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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 321—SELECTION OF FARMS

SUBPART A—CRITERIA

REVISION OF CRITERIA FOR SELECTION OF FARMS

Subpart A of Part 321 in Title 6, Code of Federal Regulations (13 F. R. 9395), is revised to read as follows:

SUBPART A—CRITERIA

Sec.

AUTHORITY: §§ 321.1 to 321.6 issued under sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: §§ 321.1 to 321.6 contained in FHA Instruction 421.1.

SUBPART A—CRITERIA

§ 321.1 *General.* (a) Farm selection is a fundamental step in making direct or insured Farm Ownership loans. It is essential that applicants, County Supervisors, and County Committeemen understand thoroughly the standards to be considered in farm selection. After applicants have been tentatively approved by the County Committee and have acquired a proper understanding regarding the basic objectives of the Farm Ownership program, they will be free to select, subject to subsequent approval by the Farmers Home Administration, farms they desire to purchase, enlarge, or improve.

(b) Under the Farm Ownership program, either efficient family-type farm-management units will be acquired (or acquired and improved) or undersized or underimproved farms will be enlarged or improved into efficient family-type farm-management units. The one exception to this requirement will be in the case of disabled veterans who, under certain conditions, may acquire, enlarge, or improve farms which are less than efficient family-type farm-management units.

(Sec. 1, 60 Stat. 1072; 7 U. S. C. 1001)

§ 321.2 *Standards for selection of efficient family-type farm-management units.* (a) An efficient family-type farm-management unit is a farm which furnishes maximum, productive employment for an average farm family assuming justifiable use of labor saving equipment on the farm and in the home and operation of the farm on a sustained or increasing yield basis. It is a farm which an average farm family can operate successfully without employing outside labor, except during seasonal peak-load periods. Such a farm must have the capacity to yield income on the basis of long-time prices which will maintain an average farm family according to acceptable living standards, pay annual operating expenses, pay for and maintain necessary livestock and farm and home equipment, and pay off the loan.

(b) As used in this chapter, the term "family-type farm" will mean an efficient family-type farm-management unit.

(Sec. 1, 60 Stat. 1073; 7 U. S. C. 1001)

§ 321.3 *Standards for selection of farms which are less than efficient family-type farm-management units in cases of disabled veterans.* (a) Farms that are less than efficient family-type farm-management units may be acquired, enlarged, or improved by eligible war veterans who are receiving disability pensions: *Provided*, that:

(1) The size and character of the farm are suitable to the particular needs and capabilities of the disabled veteran.

(2) The farm has the capacity to produce an annual income which, together with the veteran's disability pension, will enable him to meet his normal obligations. These obligations will include family living expenditures which will maintain acceptable standards of living for the veteran and his family, as well as

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operating expenses, and amounts due on his loan.

(3) The unit is larger than a mere garden plot or rural residence.

(4) A satisfactory farm plan can be carried out with the available family labor.

(5) The unit is of such character and productivity that it will not be necessary for the disabled veteran to use all or part of his pension to support unprofitable farming operations. In other words, the income from the operation of the unit as a farm, including the value of food produced for home use, should at least offset the actual operating expenses chargeable to farm operations such as seed, fertilizer, and repayment of that portion of the loan represented by the farming operations. Such expenses, however, need not include cash family-living costs or maintenance, taxes, insurance, and loan costs chargeable to the residence. In determining the loan and other costs chargeable to the residence, the valuation of the residence should be consistent with the depreciated value shown on Form FHA–43, "Appraisal of Buildings for Insurance."

(6) Farm income and disability compensation will constitute the major sources of income. Part-time farms, on which disabled veterans plan to live and devote most of their activity to nonfarm employment, should not be approved.

(Secs. 1, 44, 60 Stat. 1073, 1069; 7 U. S. C. 1001, 1018)

§ 321.4 *General criteria for selection of Farm Ownership farms.* (a) The making or insuring of a Farm Ownership loan depends upon a satisfactory title to the farm being vested in the borrower in order to secure a first mortgage on the farm.

(b) In selecting farms for Farm Ownership loans, consideration should be given to base acreage allotments and assigned yields or productivity indexes upon which soil conservation payments are made.

(c) If a Farm Ownership farm is to be formed by combining separate tracts of land, the tracts preferably should be contiguous. However, a farm may consist of noncontiguous tracts if they are so situated with respect to each other that the combined unit can be operated conveniently and efficiently as a family-type farm. This is especially important in making Farm Enlargement loans, since the question of operating noncontiguous tracts is more likely to arise in connection with this type of loan.

(d) Farms approved for Farm Enlargement or Farm Development loans, as defined in § 311.43 of this chapter, should be definitely undersized or underdeveloped and in their present state constitute definitely less than efficient family-type farm-management units. The same minimum standards for land development and the same minimum construction standards will apply to Farm Enlargement and Farm Development loans that apply to Tenant Purchase loans (see §§ 323.1–323.4 and §§ 324.1–324.3 of this chapter). Enlargement or development of farms should constitute the primary purpose of Farm Enlargement or Farm Development loans. Refinancing in connection with Farm Enlargement and Farm Development loans must not constitute the primary purpose of the loans. In connection with Farm Development loans, consideration should be given to all types of improvements that may be needed to make the farm an efficient family-type farm-management unit.

(e) Farms will not be approved in areas designated for retirement from agriculture by Federal, state, or county land use planning agencies, or areas so poor that they are likely to be so designated. Outside of such areas, it will be necessary, in order to assist persons in greatest need of Farm Ownership loans, to make such loans in areas where farms include poor as well as good land. When loans are made for the purchase of farms including poorer grades of land, unusual care must be exercised to see that it is purchased at a price in line with its normal earning capacity. Land that is worn out, eroded, foul, and weedy should not be purchased when it will not provide income sufficient to meet reasonable farm operating expenses, usual family living expenses, and the required payment on the loan. Care should be exercised in the selection of farms consisting almost wholly of undeveloped land for the same reason.

(f) In farm selection and approval, due consideration should be given to roads, schools, markets, and other community facilities. The tax rate on farms, the bonded indebtedness, and other costs incident to irrigation and drainage, or other types of improvements, also should be considered. In irrigation areas, careful consideration should be given to the adequacy of the water supply and water rights.

(g) When a farm is not on a public road, it is essential that there be a satisfactory legal right-of-way from the farm to a public road.

(Secs. 1, 3, 12, 44, 60 Stat. 1072, 1074, 1076, 1069; 7 U. S. C. 1001, 1003, 1005b, 1018)

§ 321.5 *Limitations in selection of Farm Ownership farms because of interest of sellers.* (a) No Farm Ownership loan will be made or insured if any member of the County Committee participates in, or attempts to influence, in any manner, the selection, consideration, discussion, or certification with respect to a farm in which such member, or any person related to such member within the third degree of consanguinity or affinity, has any pecuniary interest, direct or indirect, or in which any of them had such interest within one year prior to the date of certification.

(b) Unless an exception is made as provided below, a Farm Ownership loan will not be made or insured for the purchase or improvement of land when a Farmers Home Administration employee has an interest, direct or indirect, or when a person related to that employee by blood or marriage has an interest, direct or indirect, in the land to be purchased or improved and when such an employee is officially, through his employment, connected with the processing, handling, or approval of such loan in a manner as to enable him directly or indirectly to influence decisions with respect to the processing, handling, or approval of the loan. The State Director may make the exception and give the reasons therefor in writing, unless he is the interested employee, in which case the Administrator will make and sign the exception.

(c) Farms will not be approved for Tenant Purchase or Farm Enlargement loans which involve the purchase of land owned by a parent or other near relative of an applicant, nor will a farm be approved for a Farm Enlargement or Farm Development loan on which a parent or near relative holds a mortgage, unless the State Director has determined in writing before approval of the loan:

(1) That the applicant is unlikely to receive an inheritance in a short time either of title to the property or of sufficient funds to make a Farm Ownership loan unnecessary, and

(2) That the seller's circumstances are such as to make it impracticable for him to sell the property to the applicant or to advance additional funds on terms that would make a Farm Ownership loan unnecessary.

(Secs. 2, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1002, 1018)

§ 321.6 *Preference to war veterans.* When both a veteran and a nonveteran have been viewed with favor and are interested in the same farm at the same time, preference will be given to the veteran, provided the seller is willing to sell to either person.

(Sec. 1, 60 Stat. 1073; 7 U. S. C. 1001)

Dated: June 9, 1950.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: June 30, 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-5832; Filed, July 5, 1950; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

UNITED STATES STANDARDS FOR BLUEBERRIES FOR PROCESSING

On May 25, 1950, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 50-4437; 15 F. R. 3190) regarding proposed United States Standards for Blueberries for Processing. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Blueberries for Processing are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949):

§ 51.449 *Standards for blueberries for processing*—(a) *General.* (1) These standards apply to species of the genus Vaccinium which contain numerous small seeds that are barely noticeable and not to the true huckleberries of the genus Gaylussacia which contain 10 large seeds with bony coverings.

(b) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 shall consist of blueberries which internally are free from worms, and are free from other kinds of berries, clusters, large stems, leaves and other foreign material, distinctly immature berries, and free from damage caused by visible mold and decay, shriveling, dirt, overmaturity, or other means.

(i) In order to allow for variations incident to proper handling, the following tolerances shall be permitted for grade defects in a half-pint cup sample:

Not more than a total of 5 leaves and other foreign material, not more than a total of 20 distinctly immature berries, clusters and large stems, and not more than 3 berries other than blueberries. No tolerance shall be allowed for large pieces of foreign material.

(2) *U. S. No. 2.* U. S. No. 2 shall consist of blueberries which meet all the requirements of U. S. No. 1 grade except that the blueberries shall be free from serious damage caused by shriveling, overmaturity, and except for the increased tolerances specified below.

(i) In order to allow for variations incident to proper handling, the following tolerances shall be permitted for grade defects in a half-pint cup sample:

Not more than a total of 15 leaves and other foreign material, not more than a total of 40 distinctly immature berries, clusters and large stems, and not more than 5 berries other than blueberries. No tolerance shall be allowed for large pieces of foreign material.

(3) *U. S. No. 3.* U. S. No. 3 shall consist of bluebefries which meet all the requirements of U. S. No. 1 grade except that the blueberries shall be free from serious damage caused by overmaturity and from very serious damage caused by shriveling and except for the increased tolerances specified below.

(i) In order to allow for variations incident to proper handling, the following tolerances shall be permitted for grade defects in a half-pint cup sample:

Not more than a total of 20 leaves and other foreign material, not more than a total of 70 distinctly immature berries, clusters and large stems, and not more than 12 berries other than blueberries. No tolerance shall be allowed for large pieces of foreign material.

(c) *Unclassified.* Unclassified shall consist of blueberries which have not been classified in accordance with the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Definitions.* (1) "Other kinds of berries" means bunchberries, cranberries, or any other berries not of the genus Vaccinium.

(2) "Clusters" means three or more cap-stems, with or without berries, attached to a main stem. Cap-stems are those small stems by means of which the individual berry is attached to the main stem.

(3) "Large stems" means stems other than cap-stems which are over ¼ inch in length.

(4) "Other foreign material" means sticks, stones, moss or other extraneous material except dirt and leaves.

(5) "Distinctly immature berries" means that the berries are green, or whitish due to immaturity.

(6) "Damage" means any injury or defect which materially affects the appearance, or the processing quality of the blueberries. The following shall be considered as damage:

(i) Shriveling, when more than one-fourth of the blueberries in any lot, by volume, are badly wilted, withered or shriveled.

(ii) Dirt, when it cannot be removed from the blueberries in the ordinary washing process.

(iii) Overmaturity, when the appearance and processing quality of the lot of blueberries is materially affected by berries which have a dull appearance and are sticky from leaking berries.

(7) "Serious damage" means any injury or defect which seriously affects the appearance, or the processing quality of the blueberries. The following shall be considered as serious damage:

(i) Shriveling, when more than one-third of the blueberries in any lot, by volume, are badly wilted, withered or shriveled.

(ii) Overmaturity, when the appearance and processing quality of the lot of blueberries is seriously affected by blueberries which have a dull appearance and are sticky from leaking berries.

(8) "Very serious damage caused by shriveling" means that more than one-half of the blueberries in any lot, by volume, are badly wilted, withered or shriveled.

(e) *Effective time.* The United States Standards for Blueberries for Processing contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Pub. Law 146, 81st Cong.)

Done at Washington, D. C., this 30th day of June 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-5830; Filed, July 5, 1950; 8:53 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

UNITED STATES STANDARDS[1] FOR GRADES OF FROZEN CORN-ON-THE-COB

On May 18, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 3034) regarding proposed United States Standards for Grades of Frozen Corn-on-the-Cob. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Corn-on-the-Cob are hereby promulgated under the authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949):

§ 52.273 *Frozen corn-on-the-cob.* Frozen corn-on-the-cob is the product which is prepared from sound, properly matured, fresh sweet corn ears (Zea Mays L.) of either the white or golden (or yellow) varieties by removing husk and silk; by sorting, trimming, washing, and blanching; and which sweet corn ears are then frozen and stored at temperatures necessary for the preservation of the product.

(a) *Colors of frozen corn-on-the-cob.* (1) Golden (or yellow).

(2) White.

(b) *Grades of frozen corn-on-the-cob.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen corn-on-the-cob that is well developed; that possesses similar varietal characteristics; that possesses a good flavor and odor; that is practically uniform in size; that possesses a good color; that is practically free from defects; that is tender; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen corn-on-the-cob that is reasonably well developed; that possesses similar varietal characteristics; that possesses a fairly good flavor and odor; that is reasonably uniform in size and symmetry; that possesses a reasonably good color; that is reasonably free from defects; that is reasonably tender; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(3) "U. S. Grade D" or "Substandard" is the quality of frozen corn-on-the-cob that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(c) *Ascertaining the grade.* (1) The grade of frozen corn-on-the-cob may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and tenderness and maturity.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors is:

Factors:	Points
(i) Color	20
(ii) Absence of defects	40
(iii) Tenderness and maturity	40
Total score	100

(3) The grade of frozen corn-on-the-cob is determined immediately after the product has been thawed sufficiently so that the product is practically free from ice crystals.

(4) The product is cooked to determine flavor and odor.

(5) "Good flavor and odor" means that tthe product, after cooking, has a good, characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(6) "Fairly good flavor and odor" means that the product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(7) "Practically uniform in size" means that the length of the longest ear in the sample does not exceed the length of the shortest ear by more than 1 inch and that the largest diameter of the largest ear in the sample does not exceed the largest diameter of the smallest ear by more than ½ inch.

(8) "Reasonably uniform in size" means that the length of the longest ear in the sample does not exceed the length of the shortest ear by more than 1 inch and that the largest diameter of the largest ear in the sample does not exceed the largest diameter of the smallest ear by more than ¾ inch.

(9) "Count of kernels per ear" means the approximate number of kernels on each ear in the sample.

(10) "Ear" means an individual ear of corn with husk and silk removed.

(11) "Well developed" means that the ear is well filled with kernels and that on ears of row varieties the appearance is not materially affected by irregular and curved rows of kernels.

(12) "Reasonably well developed" means that the ear is reasonably well filled with kernels and that on ears of row varieties the appearance is not seriously affected by irregular and curved rows of kernels.

(13) "Sample" means not less than two ears of frozen corn-on-the-cob drawn from a single shipping container or retail package.

(d) *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen corn-on-the-cob that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the frozen corn-on-the-cob possesses a bright, practically uniform typical color of young and tender corn.

(ii) Frozen corn-on-the-cob that possesses a reasonably good color may be given a score of 14 to 16 points. Frozen corn-on-the cob that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen corn-on-the-cob possesses a reasonably bright, reasonably uniform typical color of reasonably young and reasonably tender corn.

(iii) Frozen corn-on-the-cob that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from loose material, attached material, poorly trimmed ears, and from damaged kernels and seriously damaged kernels.

(*a*) "Loose material" means pieces of cob, kernels and portions of kernels, husk and portions of husk, and silk not attached to an ear.

(*b*) "Attached material" means silk and husk or portions of silk and husk attached to an ear.

(*c*) "Poorly trimmed ear" means that the end or ends of an ear are rough or ragged in appearance and that any attached stalk which may be present exceeds ¼ inch in length.

(*d*) "Damaged kernel" means any kernel damaged by mechanical injury and any kernel damaged by pathological injury, insect injury, discoloration, or damaged by other means to such an extent that the appearance or eating quality is materially affected. Mechanical injury means that the kernel is materially damaged by cutting or crushing. Kernels on the ends of the ear which are damaged by cutting shall not be considered as damaged by mechanical injury.

(*e*) "Seriously damaged kernel" means damaged to such an extent that the appearance or eating quality is seriously affected. Kernels damaged by mechanical injury shall not be considered seriously damaged.

(ii) Frozen corn-on-the-cob that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that loose material, attached material, or poorly trimmed ears that do not affect the appearance or eating quality of the product may be present in the sample; that not more than 5 percent, by count, of kernels in the sample are damaged or seriously damaged, but not more than ½ of one percent, by count, of all the kernels are seriously damaged.

(iii) If the frozen corn-on-the-cob is reasonably free from defects a score of 28 to 33 points may be given. Frozen corn-on-the-cob that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that loose material, attached material, or poorly trimmed ears that do not materially affect the appearance or eating quality of the product may be present in the sample; that not more than 10 percent, by count, of kernels in the sample are damaged or seriously damaged, but not more than 1 percent, by count, of all the kernels are seriously damaged.

(iv) Frozen corn-on-the-cob that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Tenderness and maturity.* (i) The tenderness and maturity of the kernels is referred to under this factor. The tenderness and maturity of the kernels is determined by examining at least 3 complete adjacent rows of kernels or an equivalent number if kernels are not in rows, after removal from each ear in the sample. The kernels are removed from the ear by cutting just above the tip cap.

(ii) Frozen corn-on-the-cob that is tender may be given a score of 34 to 40 points. "Tender" means that the kernels in the sample are in the milk or early cream stage of maturity and have a tender texture.

(iii) If the frozen corn-on-the-cob is reasonably tender a score of 28 to 33 points may be given. Frozen corn-on-the-cob that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender" means that the kernels in the sample are in the cream stage of maturity and have a reasonably tender texture.

(iv) Frozen corn-on-the-cob the kernels of which are in the early dough or dough stage of maturity or that fails in any other respect to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(e) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen corn-on-the-cob the grade of such lot will be determined by averaging the total scores of all samples if:

(i) Not more than one-sixth of the samples drawn from the lot fail to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such samples which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all samples for the factor, subject to such limiting rule, must be within the range for the grade indicated:

(ii) None of the samples drawn from the lot fall more than 4 points below the minimum score for the grade indicated by the average of the total scores;

(iii) In addition to the above tolerances not more than one-sixth of the samples fail to meet the requirements with respect to uniformity of size and symmetry for the respective grade; and

(iv) All samples drawn from the lot meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(f) *Score sheet for frozen corn-on-the-cob.*

Size and kind of container		
Container marks or identification		
Label		
Net weight (ounces)		
Number of ears (count)		
Length of ears (inches)		
Kernels per ear (count)		
White or golden (yellow)		
Development of ear		
Similar varietal characteristics		
Factors	**Score points**	
I. Color	10	(A) 17-20 (B) [1] 14-16 (D) [1] 0-13
II. Absence of defects	40	(A) 34-40 (B) [1] 28-33 (D) [1] 0-27
III. Tenderness and Maturity	40	(A) 34-40 (B) [1] 28-33 (D) [1] 0-27
Total score	100	
Uniformity of size		
Flavor and odor		
Grade		

[1] Indicates limiting rule.

(g) *Effective time.* The United States Standards for Grades of Frozen Corn-on-the-Cob (which are the first issue) contained in this section shall become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1087, Pub. Law 146, 81st Cong.; 7 U. S. C. 1622)

Issued at Washington, D. C., this 30th day of June 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-5860; Filed, July 5, 1950; 8:55 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

UNITED STATES STANDARDS [1] [2] FOR GRADES OF CANNED GRAPEFRUIT AND ORANGE FOR SALAD

On February 15, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 825) regarding the proposed issuance of United States Standards for Grades of Canned Grapefruit and Orange for Salad. After consideration of all relevant matters including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Canned Grapefruit and Orange for Salad are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 20, 1949):

§ 52.372 *Canned grapefruit and orange for salad.* Canned grapefruit and orange for salad, commonly known as canned citrus salad, is prepared from sound, mature grapefruit (Citrus paradisi) and from sound, mature oranges of the orange group (Citrus sinensis) which have been properly washed; and the segments thereof have been separated and the major portions of membrane and core and the seeds removed. The product is packed with or without the addition of water, juice, or sweetening ingredients and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers. It is recommended that the number of orange units be not less than the number of grapefruit units.

(a) *Grades of canned grapefruit and orange for salad.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned grapefruit and orange for salad of which the average weight of the orange fruit is not less than 37½ percent nor more than 60 percent of the drained weight provided no single container consists of orange fruit that is less than 25 percent nor more than 75 percent of the drained fruit in such container; that possesses a drained weight or average drained weight, as the case may be, of not less than 60 percent of the capacity of the container; that consists of not less than 75 percent by weight of the drained grapefruit and not less than 75 percent by weight of the drained orange fruit which is in whole segments or almost whole segments; that possesses a good color; that is practically free from defects; that possesses a good character; that possesses a good flavor and odor; and that scores not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of canned grapefruit and orange for salad of which the average weight of the orange fruit is not less than 32½ percent nor more than 60 percent of the drained weight provided no single container consists of orange fruit that is less than 25 percent nor more than 75 percent of the drained weight of the fruit in such container; that possesses a drained weight or average drained weight, as the case may be, of not less than 55 percent of the capacity of the container; that consists of not less than 50 percent by weight of the drained grapefruit and not less than 50 percent by weight of the drained orange fruit which is in whole segments or almost whole segments; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and that scores not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Broken" is the quality of canned grapefruit and orange for salad of which the average weight of the orange fruit is not less than 32½ percent nor more than 60 percent of the drained weight provided no single container consists of orange fruit that is less than 25 percent nor more than 75 percent of the drained weight of the fruit in such container; that possesses a drained weight or average drained weight, as the case may be, of not less than 55 percent of the capacity of the container; that consists of less than 50 percent by weight of the drained grapefruit or less than 50 percent by weight of the drained orange fruit which is in whole or almost whole segments; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of canned grapefruit and orange for salad that fails to meet the requirements of U. S. Grade B or U. S. Choice and U. S. Broken.

(b) *Recommended designations of liquid media and Brix measurements.* "Cut-out" requirements for liquid media are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. It is recommended that canned grapefruit and orange for salad have the following indicated "cut-out" Brix measurement for the respective designation, which designations include, but are not limited to, the following:

Designation of liquid media:	*Brix measurement*
Heavy sirup	18° or more.
Light sirup	16° or more, but less than 18°.
Slightly sweet	12° or more, but less than 16°.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned grapefruit and orange for salad be filled with grapefruit and orange fruit as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

(d) *Ascertaining the grade.* The grade of canned grapefruit and orange for salad may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of drained weight, wholeness, color, absence of defects, and character. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The requirements of these standards shall not excuse failure to comply with applicable State laws and regulations.

Factors:	Points
(1) Drained weight	20
(2) Wholeness	20
(3) Color	20
(4) Absence of defects	20
(5) Character	20
Total score	100

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

(1) *Drained weight.* The drained weight of canned grapefruit and orange for salad is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and the fruit less the weight of the dry sieve. The fruit thus drained is referred to in this section as "drained fruit." A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can. "Capacity of the container" means the weight of distilled water at 68° Fahrenheit which the sealed container will hold.

(i) Canned grapefruit and orange for salad that possesses a drained weight of not less than 60 percent of the capacity of the container may be given a score of 18 to 20 points for the respective containers as outlined in Table No. I. Whenever more than 1 container of the product is being graded, the score for drained weight of each container is determined by averaging the drained weights of the containers. If the average drained weight indicates a score of 18 to 20 points (in accordance with Table No. I) such score will be assigned to each container: *Provided*, That the drained weight of no individual container indicates a score of less than 16 points. However, if any individual container scores less than 16 points, each container will be assigned the score for its own drained weight.

(ii) If the drained weight of the canned grapefruit and orange for salad is less than 60 percent but not less than 55 percent of the capacity of the container, a score of 16 or 17 points may be given for the respective containers as outlined in Table No. I. Whenever more than 1 container of the product is being graded, the score for drained weight of each container is determined by averaging the drained weights of the containers. If the average drained weight indicates a score of 16 or 17 points (in accordance with Table No. I) such score will be assigned to each container: *Provided*, That the drained weight of no individual container indicates a score of less than 14 points. However, if any individual container scores less than 14 points, each container will be assigned the score for its own drained weight. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(iii) Canned grapefruit and orange for salad that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above U. S. Grade D. or Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE NO. I—SCORE FOR DRAINED WEIGHTS OF CANNED GRAPEFRUIT AND ORANGE FOR SALAD

Grade Classification	Score Points	Percentage that drained weight is of capacity of container	Drained weight on basis of container designation and size			
			8 oz. tall (2 1/16 x 3 4/16 inches)	No. 2 (3 1/16 x 4 6/16 inches)	No. 3 Cyl. (4 1/16 x 7 inches)	No. 5 (5 1/16 x 5 10/16 inches)
			Ounces	*Ounces*	*Ounces*	*Ounces*
U. S. Grade A or U. S. Fancy.	20	65 percent or more.	5.63 or more...	13.33 or more..	33.56 or more..	38.42 or more.
	19	62½ to 65 percent.	5.41 to 5.62 incl.	12.84 to 13.32 incl.	32.27 to 33.55 incl.	36.94 to 38.41 incl.
	18	60 to 62½ percent.	5.19 to 5.40 incl.	12.33 to 12.83 incl.	30.98 to 32.26 incl.	35.46 to 36.93 incl.
U. S. Grade B or U. S. Choice or U. S. Broken.	17	57½ to 60 percent.	4.98 to 5.18 incl.	11.79 to 12.32 incl.	29.69 to 30.97 incl.	33.99 to 35.45 incl.
	16	55 to 57½ percent.	4.76 to 4.97 incl.	11.28 to 11.78 incl.	28.40 to 29.68 incl.	32.51 to 33.98 incl.
	15	52½ to 55 percent.	4.55 to 4.75 incl.	10.77 to 11.27 incl.	27.10 to 28.39 incl.	31.03 to 32.50 incl.
U. S. Grade D or Substandard.	14	50 to 52½ percent.	4.33 to 4.54 incl.	10.25 to 10.76 incl.	25.81 to 27.09 incl.	29.55 to 31.02 incl.
	13 or less	Less than 50 percent.	Less than foregoing drained weights			

(2) *Wholeness.* (i) "Whole" or "whole segment" means any fruit segment that retains its apparent original conformation and is not excessively trimmed.

(ii) "Almost whole" or "almost whole segment" means any portion of a fruit segment that is not less than 75 percent of the apparent original segment size.

(iii) "Broken" or "broken segment" means (*a*) any portion of a fruit segment that is less than 75 percent of the apparent original segment size, (*b*) a "whole segment" or "almost whole segment" that is excessively trimmed, and (*c*) portions of segments that are joined together only by a "thread" or membrane.

(iv) Canned grapefruit and orange for salad that consists of not less than 75 percent by weight of the drained grapefruit and not less than 75 percent by weight of drained orange fruit that is in whole segments or almost whole segments may be given a score of 18 to 20 points.

(v) If the canned grapefruit and orange for salad consists of not less than 50 percent by weight of the drained grapefruit and not less than 50 percent by weight of the drained orange fruit that is in whole segments or almost whole segments, a score of 16 or 17 points may be given. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(vi) If less than 50 percent by weight of the drained grapefruit or less than 50 percent by weight of the drained orange fruit is in whole segments or almost whole segments, a score of 0 to 15 points may be given. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Broken, regardless of the total score for the product (this is a limiting rule).

(3) *Color.* (i) Canned grapefruit and orange for salad that possesses a good color may be given a score of 18 to 20 points. "Good color" means that the color (*a*) of the grapefruit is a practically uniform bright, typical color free from any noticeable tinge of amber and (*b*) of the orange fruit is a bright, typical color which may range from deep yellow-orange to orange and which is practically uniform with not more than a slight variation in the units.

(ii) If the canned grapefruit and orange for salad possesses a reasonably good color, a score of 16 or 17 points may be given. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product. (This is a limiting rule.) "Reasonably good color" means that the color of the grapefruit and of the orange fruit is fairly bright, may be variable in color, but is not off color.

(iii) Canned grapefruit and orange for salad that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, from seeds, from portions of albedo, from portions of tough membrane, and from damaged units.

(i) "Harmless extraneous material" means leaves, portions of leaves, small pieces of peel, and other similar material that is harmless.

(ii) "Seed" means any seed or any portion thereof, whether or not fully developed, that measures more than 3/16 inch in any dimension. A "large seed" is one that may be plump and measures more than 3/8 inch in any dimension.

(iii) "Damaged unit" means any fruit segment or portion thereof that is damaged by pathological injury, by lye peeling, by discoloration, or by similar

injury or that is damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(iv) Canned grapefruit and orange for salad that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that no harmless extraneous material is present; that not more than 5 percent by weight of the drained fruit may be damaged units; and that for each 20 ounces of net weight there may be present:

Not more than 4 seeds including not more than one large seed; and

Not more than an aggregate area of 2 square inches on the units covered by tough membrane or albedo.

(v) If the canned grapefruit and orange for salad is reasonably free from defects, a score of 16 or 17 points may be given. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that not more than 15 precent by weight of the drained fruit may be damaged units; and that for each 20 ounces of net weight there may be present:

Not more than 1 small piece of harmless extraneous material;

Not more than 12 seeds including not more than 3 large seeds; and

Not more than an aggregate area of 3 square inches on the units covered by tough membrane or albedo.

(vi) Canned grapefruit and orange for salad that fails to meet the requirements of subdivision (v) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(5) *Character.* The factor of character refers to the structure and condition of the cells of the fruit and reflects the maturity of the grapefruit and orange fruit.

(i) Canned grapefruit and orange for salad that possesses a good character may be given a score of 18 to 20 points. "Good character" means that the grapefruit and orange fruit is moderately firm and fleshy; that the segments or portions thereof possess a juicy, cellular structure free from dry cells or "ricey" cells that materially affect the appearance or eating quality of the product; and that the product is reasonably free from loose floating cells.

(ii) If the canned grapefruit and orange for salad possesses a reasonably good character, a score of 16 or 17 points may be given. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the fruit is reasonably free from dry cells, "ricey" cells, or fibrous cells that materially affect the appearance or eating quality of the product but none of the fruit is seriously affected by dry cells, "ricey" cells, or fibrous cells.

(iii) Canned grapefruit and orange for salad that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms.* (1) "Good flavor and odor" means that the product has a distinct and normal flavor and odor typical of canned grapefruit and of canned orange fruit and is free from objectionable odors and objectionable flavors of any kind.

(2) "Fairly good flavor and odor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(3) "Brix" means the degrees Brix of the liquid media surrounding the canned grapefruit and orange fruit for salad when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If the liquid media is tested at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of the liquid media may be determined by any other method which gives equivalent results.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned grapefruit and orange fruit for salad, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for canned grapefruit and orange for salad.*

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Vacuum (inches)	
Drained weight (ounces)	
Brix measurement	
Sirup designation (heavy, light, etc.)	
Orange fruit:	
Drained weight (ounces)	
Proportion (percent)	
Count:	
Orange units	
Grapefruit units	

Factors		Score points	
I. Drained weight	20	(A)	18-20
		(B), (Bkn) [1]	16-17
		(D)	[1] 0-15
II. Wholeness	20	(A)	18-20
		(B)	[1] 16-17
		(Bkn)	[1] 0-15
III. Color	20	(A)	18-20
		(B), (Bkn)	[1] 16-17
		(D)	[1] 0-15
IV. Absence of defects	20	(A)	18-20
		(B), (Bkn)	[1] 16-17
		(D)	[1] 0-15
V. Character	20	(A)	18-20
		(B), (Bkn)	[1] 16-17
		(D)	[1] 0-15
Total score	100		
Flavor and odor			
Grade			

[1] Indicates limiting rule.

(i) *Effective time.* The United States Standards for Grades of Canned Grapefruit and Orange for Salad (which are the first issue) contained in this section shall become effective 30 days after publication of these standards in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1087, Pub. Law 146, 81st Cong.; 7 U. S. C. 1622)

Issued at Washington, D. C. this 30th day of June 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-5859; Filed, July 5, 1950; 8:55 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amdt. 1]

PART 713—COUNTY AND COMMUNITY COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF PRODUCTION AND MARKETING ADMINISTRATION COUNTY AND COMMUNITY COMMITTEES

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act, as amended, the regulations pertaining to the selection and functions of Production and Marketing Administration county and community committees (14 F. R. 5916) are hereby amended by changing paragraph (c) of § 713.15 to read as follows:

(c) *Delegate to the county convention.* A delegate to the county convention may not be a member of the State committee.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies 49 Stat. 1148, as amended, sec. 305, 50 Stat. 912, secs. 388, 392, 507, 52 Stat. 68, 69, as amended, 73; 16 U. S. C. 590g-590q, 7 U. S. C. 1135, 1388, 1392, 1507)

Done at Washington, D. C., this 30th day of June 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-5831; Filed, July 5, 1950; 8:58 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42-5]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

CERTIFICATE RENEWAL, AIRCRAFT, AND OTHER ADMINISTRATIVE REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of June 1950.

The Administrator of Civil Aeronautics has advised the Board that with the limited staff available for administration and enforcement of safety standards applying to air carriers and commercial operators operating large aircraft the Administration is unable, under the current provisions of Part 42 and the practices herewith described, to take all necessary and desirable measures to assure the attainment of the required safety standards by all such operators. The Administrator has, therefore, recommended that the Board promulgate immediately certain amendments to Part 42 designed to facilitate administration and enforcement of the safety requirements of that part of the Civil Air Regulations.

These amendments herein adopted are intended to focus responsibility for maintenance and operation by requiring an operator of large aircraft to have exclusive operational control of all such aircraft used in his business for a period of at least six months. Heretofore, an operator who had such control of one aircraft could use any additional aircraft, provided, if a large aircraft, that it was listed in the air carrier operating certificate and at the time of such listing was found safe for the service to be offered. However, where such an aircraft is listed in the operating specifications of more than one person, as is often the situation, we are advised that it is practically impossible in many cases to fix responsibility fairly for poor maintenance or other airworthiness deficiencies. To support administration of the existing requirement, the regulation hereby promulgated provides that no large aircraft may be listed simultaneously in the air carrier or commercial operating certificate of more than one air carrier or commercial operator, and that when the operator ceases to have exclusive operational control of any large aircraft he shall report such fact to the Administrator so that the aircraft may be removed from his operating specifications.

This regulation also provides that no air carrier shall change his principal operations or maintenance bases without prior approval of the Administrator. This will inhibit an air carrier from avoiding an inspection of his records, and from improperly asserting that he has just moved his operations or maintenance base to some other place, and will also enable the Administrator to ascertain whether the operator has the necessary facilities at the new location before the operations are started there. Amendments to §§ 42.91, 42.92, and 42.95 permitting the Administrator to designate the place where records are to be kept are established for similar administrative purposes.

This regulation further provides that all air carrier operating certificates and commercial operator certificates issued prior to July 1, 1950, shall expire no later than June 30, 1951, and that all certificates issued after July 1, 1950, shall be limited in duration to one year. This provision is designed to provide a specific recurrent period for proving qualification for an operating certificate. Such a provision is deemed necessary, in view of the fact that experience has shown that operators who satisfactorily show their ability to perform air carrier operations safely at the time of original issuance of an operating certificate often fail to maintain the necessary facilities and personnel thereafter. In order to permit the Administrator to cope with the recurrent inspection burden created by this provision by distributing such burden over the entire year, we are providing that he may immediately initiate his reinspection program for renewal of air carrier operating certificates rather than wait until the end of this year.

We are also making specific provision for requiring the possession of appropriate economic authority to engage in air transportation as a condition precedent to the issuance of an air carrier operating certificate. (Such provision is obviously inapplicable to a commercial operator.) The requirement is desirable to permit revocation of safety operating authority when economic authority has ceased, in order that such an operator be properly denied any color of authority to operate.

Within the past six weeks there have been several accidents involving aircraft operated by large irregular air carriers or commercial operators. While we have not as yet completed our investigation of, and hearings on these accidents, it has become apparent that the maintenance and operation of large aircraft by certain irregular air carriers and commercial operators have not been up to the standard of safety required by the provisions of Parts 42 and 45 of the Civil Air Regulations, that these deficiencies in maintenance and operation have resulted in hazards to safety in air commerce, and that changes in administrative provisions of this part are necessary to correct the current situation.

For the reasons stated above it is the opinion of the Board that an emergency requiring immediate action exists in respect to safety in air commerce and that notice and public procedure hereon are impracticable and contrary to the public interest, and the Board finds that good cause exists for making this amendment effective on less than 30 days' notice.

Interested persons desiring to present written data, views, and/or arguments pertaining to the rules herein adopted are requested to submit such matter to the Board on or before July 30, 1950. All communications so received will be considered by the Board, and the rules herein adopted will be reconsidered fully in the light of the comments submitted.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR, Part 42, as amended) effective July 1, 1950:

1. By adding a new § 42.1 (a) (12a) to read as follows:

(12a) *Exclusive use of aircraft.* Exclusive use of an aircraft means that an air carrier has the sole possession, control, and use of an aircraft for flight arising from either (i) a lease or other agreement or arrangement under which the air carrier is to have the right to such possession, control, and use for a period of at least six consecutive months from the date of such lease or other agreement or arrangement,[1] or (ii) ownership of the aircraft.

2. By amending § 42.5 to read as follows:

§ 42.5 *Certificate issuance.* An air carrier operating certificate, describing the operations authorized and prescribing such operating specifications and limitations as may be reasonably required in the interest of safety, shall be issued by the Administrator to a properly qualified citizen of the United States possessing appropriate economic authority granted by the Board pursuant to Title IV of the Civil Aeronautics Act of 1938, as amended, who is capable of conducting the proposed operations in accordance with the applicable requirements hereinafter specified. Application for a certificate, or application for amendment thereof, shall be made in a manner and contain information prescribed by the Administrator. No person subject to the provisions of this part shall operate in air transportation without, or in violation of the terms of, an air carrier operating certificate.

3. By amending § 42.6 to read as follows:

§ 42.6 *Duration and renewal.* (a) An air carrier operating certificate issued under this part prior to July 1, 1950, shall expire on June 30, 1951, unless (1) such certificate is sooner surrendered, suspended, or revoked, or (2) the Administrator, prior to that date, shall reinspect and re-examine the holder thereof and issue to the air carrier the new-type air carrier operating certificate hereinafter provided. An air carrier operating certificate issued under this part subsequent to July 1, 1950, shall expire one year from date of issuance thereof, unless such certificate is renewed by the Administrator or such certificate has been sooner surrendered, suspended, or revoked.

(b) The Administrator shall renew an air carrier operating certificate if, upon inspection and examination, he finds that the air carrier meets the current requirements of the Civil Air Regulations for issuance of any such certificate. Evidence

[1] Attention is invited to the provisions of sec. 408 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 1001, 49 U. S. C. 488) which, in certain cases, regulates sales, leases of, or contracts for use of aircraft between air carriers, or other persons engaged in any phase of aeronautics, and which may require that prior Board approval of such arrangements be obtained. Attention is further invited to the fact that aircraft leased from United States Government agencies may not ordinarily be subleased without prior approval of the lessor.

of renewal of air carrier operating certificates issued subsequent to July 1, 1950, shall be made a part of the air carrier operating certificate in such form and manner as the Administrator may prescribe.

(c) Application for renewal of an air carrier operating certificate shall be made no later than 60 days prior to the expiration thereof, and shall be made in the form and manner prescribed by the Administrator.

4. By amending § 42.9 to read as follows:

§ 42.9 *Operations base, maintenance base, and/or office.* Each irregular air carrier shall give written notice to the Administrator of his principal business office, his principal operations base, and principal maintenance base. Thereafter the air carrier shall not change his principal operations or maintenance base without having secured prior approval of the Administrator of the new base or bases, nor shall the air carrier change his principal business office without advance notice thereof to the Administrator.

5. By amending § 42.11 to read as follows:

§ 42.11 *Aircraft required.* An air carrier shall have the exclusive use of at least one aircraft. All aircraft used in the carriage of persons or property for compensation or hire shall be certificated in accordance with standard airworthiness requirements. No air carrier shall operate a large aircraft for the carriage of goods or persons for compensation or hire unless (a) the air carrier has the exclusive use of such aircraft, (b) the Administrator has found such aircraft safe for the service to be offered and has listed such aircraft in the air carrier operating certificate, and (c) such aircraft is not listed in the air carrier operating certificate or commercial operator certificate of any other air carrier or commercial operator.

6. By amending § 42.91 to read as follows:

§ 42.91 *Maintenance records.* Each air carrier shall keep at its principal operations base, or at such other location used by the air carrier as the Administrator may designate, the following current records with respect to each aircraft, aircraft engine, propeller, and, where practicable, appliance used by him in air transportation:

(a) Total time and service,
(b) Time since last overhaul,
(c) Time since last inspection, and
(d) Mechanical failures.

7. By amending § 42.92 to read as follows:

§ 42.92 *Airman records.* An air carrier shall maintain at its principal operations base, or at such other location used by the air carrier as the Administrator may designate, current records of every airman utilized as a member of a flight crew. These records shall contain such information concerning the qualifications of each airman as is necessary to show compliance with the appropriate requirements prescribed by the Civil Air Regulations. No air carrier shall utilize any airman as a flight crew member unless records are maintained for such airman as required herein.

8. By amending § 42.95 to read as follows:

§ 42.95 *Flight manifest record.* A signed copy and any revision of the flight manifest required by § 42.62 shall be retained in the personal possession of the pilot for the duration of the flight, and a duplicate copy thereof shall be retained by the air carrier at its principal operations base, or at such other location used by the air carrier as the Administrator may designate, for at least 1 year after completion of the flight.

9. By adding a new § 42.97 to read as follows:

§ 42.97 *Change in exclusive use of large aircraft.* When, for any reason whatsoever, an air carrier shall cease to have the exclusive use of any large aircraft, an immediate report of such fact shall be filed with the Administrator in such form and manner and containing such information as the Administrator may prescribe.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, as amended, 1010; 49 U. S. C., and Sup., 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-5844; Filed, July 5, 1950; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5368]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

E. & J. DISTRIBUTING CO.

Subpart—*Using or selling lottery devices:* § 3.2480 *In merchandising.* In connection with the offering for sale, sale and distribution of household merchandise, novelties, toiletries, or any other articles of merchandising in commerce, (1) supplying to or placing in the hands of others pull cards or any other device or devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; (2) shipping, mailing, or transporting to agents or distributors, or to members of the public, pull cards or any other device or devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; or, (3) selling, or otherwise disposing of, any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Jacob Colon et al. trading as E. & J. Distributing Company, Docket 5368, May 15, 1950]

In the Matter of Jacob Colon and Evelyn Colon, Individuals, Trading as E. & J. Distributing Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondents named below have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents, Jacob Colon and Evelyn Colon, individuals, trading as E. & J. Distributing Company, or trading under any other name or designation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of household merchandise, novelties, toiletries, or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others pull cards or any other device or devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

(2) Shipping, mailing, or transporting to agents or distributors, or to members of the public, pull cards or any other device or devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

(3) Selling, or otherwise disposing of, any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 15, 1950.

By the Commission, Commissioner Mason concurring in the findings as to the facts and conclusion, but not concurring in the form of order to cease and desist, for the reasons stated in his opinion concurring in part and dissenting in part in Docket 5203, Worthmore Sales Company.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-5840; Filed, July 5, 1950; 8:53 a. m.]

[Docket 5626]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNIVERSAL RADIO-VISION TRAINING CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections—Connections or arrangements with others—History;* § 3.60 *Earnings;* § 3.115 *Jobs and employment service;* § 3.3170 *Qualities or properties of product or service;* § 3.190 *Results;* § 3.260 *Terms and conditions.* Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1395 *Connections and arrangements with others;* § 3.1430 *Government indorsement, sanction or sponsorship;* § 3.1535 *Qualifications;* § 3.1540 *Reputation, success or standing: Misrepresenting oneself and goods—Goods:* § 3.1615 *Earnings;* § 3.1670 *Jobs and employment;* § 3.1730 *Results. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1935 *Earnings;* § 3.1995 *Job guarantee and employment;* § 3.2080 *Terms and conditions.* In connection with the offering for sale, sale or distribution in commerce, of courses of study and instruction, representing by any means, directly or indirectly, (1) that respondents' business of conducting a correspondence school was established in 1934 or in any other year prior to that in which it was actually established; (2) that respondents' correspondence school is a successor to, or has any connection with, the American Institute of Technology, of Detroit, Michigan; (3) that the course of study and instruction sold by them is sufficient to properly prepare and train men and women as technicians in the electronic industry; (4) that equipment for performing home laboratory experiments is furnished to students; (5) that graduates of respondents' correspondence school become certified radio technicians, or that respondents have any authority to certify graduates of their correspondence school as radio technicians; (6) that the Federal Communications Commission, either directly or through any branch office, will certify graduates of respondents' correspondence school as radio technicians; (7) that graduates of respondents' correspondence school are qualified to fill highly paid positions in the electronic industry; (8) that graduates of respondents' correspondence school may earn amounts in excess of the wages currently being paid in the electronic industry to apprentice employees; or, (9) that prominent firms in the electronic industry employ graduates of respondents' correspondence school; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Universal Radio-Vision Training Corporation et al., Docket 5626, May 15, 1950]

In the Matter of Universal Radio-Vision Training Corporation, a Corporation, and Earl G. Hopkins, Hyram W. Haueter and Charles L. Turly, Individually and as Officers of Universal Radio-Vision Training Corporation, and Benjamin P. Scott, Individually and as Superintendent of Instruction of Said Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents thereto, in which answer the respondents admitted all of the material allegations of facts set forth in the complaint and waived all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the corporate respondent, Universal Radio - Vision Training Corporation, a California corporation, and its officers, agents, representatives, and employees, and the individual respondents, Earl G. Hopkins, Hyram W. Haueter, Charles L. Turly, and Benjamin P. Scott, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from representing by any means, directly or indirectly:

(1) That their business of conducting a correspondence school was established in 1934 or in any other year prior to that in which it was actually established;

(2) That their correspondence school is a successor to, or has any connection with, the American Institute of Technology, of Detroit, Michigan;

(3) That the course of study and instruction sold by them is sufficient to properly prepare and train men and women as technicians in the electronic industry;

(4) That equipment for performing home laboratory experiments is furnished to students;

(5) That graduates of their correspondence school become certified radio technicians, or that respondents have any authority to certify graduates of their correspondence school as radio technicians;

(6) That the Federal Communications Commission, either directly or through any branch office, will certify graduates of respondents' correspondence school as radio technicians;

(7) That graduates of their correspondence school are qualified to fill highly paid positions in the electronic industry;

(8) That graduates of their correspondence school may earn amounts in excess of the wages currently being paid in the electronic industry to apprentice employees;

(9) That prominent firms in the electronic industry employ graduates of respondents' correspondence school.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: May 15, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-5841; Filed, July 5, 1950; 8:53 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 801—VETERANS' PREFERENCE REGULATION UNDER HOUSING AND RENT ACT OF 1947, AS AMENDED

The Veterans' Preference Regulation under the Housing and Rent Act of 1947, as amended (§§ 801.1 to 801.9) is hereby amended to read as follows:

PURPOSE

DEFINITIONS

PREFERENCE PERIODS

PUBLIC OFFERING

MISCELLANEOUS

AUTHORITY: §§ 801.1 to 801.9 issued under Pub. Laws 129, 422, 464, 80th Cong.; Pub. Laws 31, 574, 81st Cong.

PURPOSE

§ 801.1 *What this part does.* This part (Veterans' Preference Regulation) explains the preference given to veterans of World War II and their families by the Housing and Rent Act of 1947, as amended, in the sale or renting of housing accommodations completed after June 30, 1947, and prior to June 30, 1951.

DEFINITIONS

§ 801.2 *Definitions.* As used in this part:

(a) The terms "veterans of World War II or their families," "veterans or their families," and "veterans" shall mean:

(1) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(2) The spouse of a veteran (as described in subparagraph (1) of this paragraph) who died after being discharged or released from service, if the spouse has not remarried and is living with a child or children of the deceased veteran;

(3) A person who is serving in the active military or naval forces of the United States requiring housing accommodations for his dependent family;

(4) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940, and who died in service, if the spouse has not remarried and is living with a child or children of the deceased;

(5) A citizen of the United States who served in the armed forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring housing accommodations for his dependent family;

(6) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires housing accommodations for his dependent family; and

(7) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring housing accommodations for his dependent family.

(b) The term "nonveterans" shall mean persons other than veterans of World War II or their families.

(c) The term "person" shall include an individual, corporation, partnership, association, or any other organized group of persons, or a representative of any of the foregoing.

(d) The time at which construction, conversion or erection of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant.

(e) The term "housing accommodations" shall include, without limitation, any building, structure, or part thereof, or land appurtenant thereto, or any real or personal property, designed, constructed, or converted for dwelling or residential purposes, together with all privileges, services, or facilities in connection therewith; industrially made or prefabricated houses, sections, panels, or their aggregate as a "package", designed or constructed for dwelling or residential purposes; and a certificate, deposit, membership, stock interest, or undivided interest in real estate, under a cooperative mutual ownership or similar plan, which carries with it the right of occupancy of individual dwelling units.

(f) The term "housing accommodations designed for occupancy by other than transients" shall not include housing accommodations which:

(1) In a particular community are customarily rented for a term of occupancy of six days or less, or

(2) Are rented and usable only on a seasonal basis.

PREFERENCE PERIODS

§ 801.3 *Veterans' preference in sale of housing accommodations.* In order to assure preference or priority to veterans of World War II or their families in the sale of housing accommodations designed for a single family residence, the manufacture, prefabrication, construction, conversion or erection of which is completed after June 30, 1947, and prior to June 30, 1951, the following rules must be observed:

(a) *30-day veterans' preference period after manufacture or prefabrication and prior to erection.* No manufacturer, dealer or other person shall offer for sale, sell or otherwise dispose of industrially made or prefabricated houses, sections, panels, or their aggregate as a "package", designed or constructed for dwelling or residential purposes, to any person for occupancy by nonveterans unless such housing accommodations have first been offered for sale for at least thirty days exclusively for occupancy by veterans or their families.

(b) *30-day veterans' preference period after construction, conversion or erection.* No person shall offer for sale, sell or otherwise dispose of such housing accommodations to any person for occupancy by nonveterans unless such housing accomodations have first been publicly offered for sale exclusively for occupancy by veterans or their families (1) during the period of construction, conversion or erection and for at least thirty days thereafter, and (2) for a period of at least seven days in any resale or other subsequent disposition.

No person shall purchase or otherwise acquire such housing accommodations during either of the exclusive veterans' preference offering periods set forth in paragraphs (a) and (b) of this section, unless such purchase or other acquisition is made in good faith for occupancy, during the time that this part remains in effect, by veterans or their families.

(c) *7-day offer at a price in first and subsequent sales.* No person shall offer for sale or resale, sell or resell such housing accommodations to any person for occupancy by nonveterans at a price less than the price at which the accommodations have last been publicly offered for sale for at least seven days exclusively for occupancy by veterans or their families: *Provided, however,* That in no event shall the exclusive public offering period for occupancy by veterans or their families total less than thirty days in any first or original sale as required by paragraphs (a) and (b) of this section.

No person shall purchase such housing accommodations for occupancy by nonveterans at a price less than the price at which the accommodations have last been publicly offered for at least seven days exclusively for occupancy by veterans or their families.

§ 801.4 *Veterans' preference in renting of housing accommodations.* In order to assure preference or priority to veterans of World War II or their families in the renting of housing accommodations designed for occupancy by other than transients, the manufacture, prefabrication, construction, conversion or erection of which is completed after June 30, 1947, and prior to June 30, 1951 the following rules must be observed:

(a) *30-day veterans' preference period after manufacture or prefabrication and prior to erection.* No manufacturer, dealer or other person shall offer for rent, rent or otherwise dispose of industrially made or prefabriciated houses, sections, panels or their aggregate as a "package," designed or constructed for dwelling or residential purposes, to any person for occupancy by nonveterans unless such housing accommodations have first been offered for rent for at least thirty days exclusively for occupancy by veterans or their families.

(b) *30-day veterans' preference period after construction, conversion or erection.* No person shall offer for rent, rent or otherwise dispose of such housing accommodations to any person for occupancy by nonveterans unless such housing accommodations have first been publicly offered for rent exclusively for occupancy by veterans or their families (1) during the period of construction, conversion or erection and for at least thirty days thereafter, and (2) for a period of at least seven days in any renting or other subsequent disposition.

No person shall acquire by renting or otherwise acquire such housing accommodations, during either of the exclusive veterans' preference offering periods set forth in paragraphs (a) and (b) of this section, unless such acquisition by renting or other acquisition is made in good faith for occupancy, during the time that this part remains in effect, by veterans or their families.

(c) *7-day offer at a price in first and subsequent rentings.* No person shall offer for rent or rerent, rent or rerent such housing accommodations to any person for occupancy by nonveterans at a price less than the price at which the accommodations have last been publicly offered for rent for at least seven days exclusively for occupancy by veterans or their families: *Provided, however,* That in no event shall the exclusive public offering period for occupancy by veterans or their families total less than thirty days in any first or original renting as required by paragraphs (a) and (b) of this section.

No person shall acquire by renting or otherwise acquire such housing accommodations for occupancy by nonveterans at a price less than the price at which the accommodations have last been publicly offered for at least seven days exclusively for occupancy by veterans or their families.

§ 801.5 *Alternative veterans' preference period for projects of several dwellings.* Where a number of dwellings are to be constructed or erected on a certain site as one project, the period of exclusive public offering for occupancy by veterans or their families which is applicable to the first or "model" dwelling in the project may be used for any or all of the other dwelling units in the project which are substantially the same: *Provided,* That the public offering and other requirements of this part applicable to the first or "model" dwelling are applied to the other units. For this purpose, the term "construction" as used in this section means construction or erection of such first or "model" dwelling. The exclusive public offering

for occupancy by veterans or their families under this section must clearly refer to all of the dwellings in the project to be covered by the public offering.

PUBLIC OFFERING

§ 801.6 *Public offering in good faith.* In order to assure preference or priority to veterans of World War II or their families, all housing accommodations covered by §§ 801.3, 801.4 and 801.5 must, for the applicable period therein set forth, be publicly offered in good faith, as provided in this section, for sale or rent exclusively for occupancy by veterans or their families.

(a) *Must give veterans reasonable opportunity.* To make a public offering in good faith, the owner must take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These affirmative steps, in addition to the posting of placards or signs and the insertion of advertisements in newspapers, as required by paragraphs (b) and (c) of this section, include at least those steps which are customary in the community for making a public offering of housing accommodations. The refusal of the owner to sell or rent to a particular veteran for personal reasons, which are in accordance with local law and customary real estate practices in the community, does not by itself necessarily constitute a violation of this public offering requirement. If, however, the owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent, and then sells or rents to a nonveteran, the owner has violated this part.

(b) *Posting of placards or signs.* A placard or sign must be posted in front of each housing structure, or in a conspicuous location on the site of the construction of the housing accommodations, during any exclusive public offering period for occupancy by veterans or their families. Such placard or sign must legibly contain the rent or sales price, the fact that the housing accommodations are offered for sale or rent exclusively for occupancy by veterans or their families for the prescribed period, and the name and address of the person authorized to sell or rent the housing accommodations. If the rent or sales price is reduced after the placard or sign is posted, the price on the placard or sign must be changed accordingly.

(c) *Newspaper advertisement.* All housing accommodations covered by §§ 801.3, 801.4 and 801.5 must be publicly advertised by newspaper exclusively for occupancy by veterans or their families on at least three days during the first twenty days of the thirty-day preference period required in any first or original sale or renting and on at least two days during the seven-day preference period required in any resale or rerenting. This advertisement shall be in a newspaper of general circulation in the community where the housing accommodations are located. The advertisement shall contain the same information as required for placards and signs in paragraph (b) of this section.

MISCELLANEOUS

§ 80.7 *Violations and enforcement—*(a) *General.* The veterans' preference requirements of this part shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a sale or renting or an agreement for the sale or renting or to solicit or attempt, offer or agree to sell or rent any housing accommodations in violation of the veterans' preference requirements of this part. It shall also be unlawful for any person to sell or rent or agree to sell or rent housing accommodations covered by §§ 801.3, 801.4 and 801.5 during the veterans' preference periods if he knows or has reason to know that the housing accommodations will not be occupied by veterans or their families, and for any purchaser or tenant to effect or agree to effect a sale or renting in violation of the veterans' preference requirements of this part.

(b) *Penalties.* Any person who wilfully violates any provision of this part or section 4 of the Housing and Rent Act of 1947, as amended, shall, upon conviction thereof, be subject to a fine of not more than $5,000 or to imprisonment for not more than one year or to both such fine and imprisonment. Any person who, in connection with this part, knowingly makes any statement to any department or agency of the United States, false in any material respect, shall upon conviction thereof be subject to fine or imprisonment or both. Any person who violates any provision of this part may be prohibited or restrained as authorized by law.

§ 801.8 *Exceptions.* The veterans' preference requirements set forth in this part are not applicable to:

(a) Housing accommodations which are built to replace a dwelling destroyed or damaged by fire, flood, tornado, or, other similar disaster;

(b) Sales of housing accommodations in the course of judicial or statutory proceedings in connection with foreclosures;

(c) The occupancy by an owner, or his building service employee, of a dwelling unit which does not exceed in floor space (1) a normal one-family unit in the structure or project, or (2) fifteen percent of the residential floor space of the structure or project.

(d) Sales of any housing accommodations to any person for investment purposes rather than for occupancy by the purchaser; but the purchaser of such housing accommodations is bound by the veterans' preference requirements in this part in renting or selling for occupancy.

(e) The occupancy of housing accommodations operated by a non-profit or public educational institution for the use of its students or teachers: *Provided, however,* That among eligible applicants for such accommodations at any particular time preference shall be given to veterans.

§ 801.9 *Appeals.* Any person who considers that compliance with any provision of this part would result in a hardship on him may appeal for relief. The appeal shall be in the form of a letter in duplicate addressed to the Housing Expediter, Washington, D. C., Ref.: VPR Appeal. The appeal must state clearly the specific provision of the part appealed from and describe fully the hardship which will result from compliance with the regulations in this part.

Issued this 1st day of July 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-5824; Filed, July 5, 1950; 8:48 a. m.]

[Controlled Housing Rent Reg., Amdt. 258]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 255]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MISSISSIPPI

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respect:

Schedule A, Item 165a, is amended to read as follows:

(165a) [Revoked and decontrolled.]

This decontrols (1) the City of Greenville in Washington County, Mississippi, the Greenville, Mississippi, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said defense-rental area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

This amendment shall be effective June 30, 1950.

Issued this 30th day of June 1950.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-5822; Filed, July 5, 1950; 8:48 a. m.]

[Controlled Housing Rent Reg., Amdt. 259]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 256]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MISSISSIPPI

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 163, is amended to read as follows:

(163) [Revoked and decontrolled.]

This decontrols the entire Centreville, Mississippi, Defense-Rental Area, consisting of Adams County, based upon action taken by the State of Mississippi in

accordance with section 204 (j) (2) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 162, is amended to describe the counties in the defense-rental area as follows:

In Harrison County, the City of Biloxi.

This decontrols all of the Biloxi-Pascagoula, Mississippi, Defense-Rental Area, consisting of certain portions of Harrison County, except the City of Biloxi, based upon action taken by the State of Mississippi in accordance with section 204 (j) (2) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective July 16, 1950.

Issued this 1st day of July 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-5823; Filed, July 5, 1950; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1950 Dept. Circ. 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING JULY 1, 1950

JULY 1, 1950.

§ 129.13 *Calendar year 1950.*

* * *

(c) *Quarter beginning July 1, 1950.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning July 1, 1950, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted.

Country	Monetary unit	Value in terms of U. S. money	Remarks
Canada and Newfoundland	Dollar	$1.0031	Redemption of notes into gold suspended. Export of gold prohibited except under license.
Colombia	Peso	.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.50837 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By Monetary Law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 26, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Hungary	Forint	.0852	New unit based on 13,210 forint per kilogram fine gold, effective July 1946.
Ireland	Pound	4.0297	Conversion of notes into gold suspended Sept. 21, 1931.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Union of Soviet Socialist Republics	Ruble	.2500	By decree of Council of Ministers ruble equal to 0.222168 fine gram gold, effective Mar. 1, 1950.
Uruguay	Peso	.6583	Present gold content of 0.569018 grams fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 522, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U. S. C. 372, July 1, 1950)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 50-5833; Filed, July 5, 1950; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

ADJUSTMENT OF AWARD OF VETERAN UPON TERMINATION OF INSTITUTIONALIZATION

In § 3.256, paragraph (b) is amended to read as follows:

§ 3.256 *Adjustment of award of veteran upon termination of institutionalization by the Veterans' Administration.*

* * *

(b) While a veteran is on trial visit or other temporary absence from a Veterans' Administration hospital or center, no adjustment of his award by reason thereof will be made for any period of less than 30 days, inclusive of the day on which he left the institution. If such temporary absence is for a period of 30 days or more, the award to or on behalf of the veteran will be adjusted in accordance with the last valid rating, if otherwise in order, effective as of the day the veteran departs. However, a furlough, trial visit, or other temporary absence for a period of 30 days or more is not tantamount to a discharge within the purview of paragraph (a) (1) of this section and the veteran may not be awarded the moneys withheld under § 3.255 (a) in a lump sum when he leaves the institution on such a temporary absence. Upon return from such a temporary absence the veteran's award shall be immediately reduced to the institutional rate, if otherwise in order. If the veteran is discharged without returning to the institution, the award will be adjusted in accordance with paragraph (a) of this section. The report of such absence will be made to the office having custody of the case file, in accordance with effective procedure.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interprets or applies sec. 1, 60 Stat. 908, as amended; 38 U. S. C. 739, ch. 12 note)

This regulation becomes effective July 6, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-5781; Filed, July 5, 1950; 8:46 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

1. Section 21.421 is hereby canceled.

§ 21.421 *Related training taken in another regional area when claims and R&E folders are located in regional office having jurisdiction over principal trainer.* [Canceled.]

2. Section 21.433 is amended to read as follows:

§ 21.433 *Payment to institutions.* The manager of a Veterans' Administration regional office is authorized to pay to the approved institution for each eligible veteran enrolled therein for a full-time or part-time course of education or training the proper charge for tuition and incidental fees or other allowable expense, and for such books, supplies, and equipment issued to the trainee as are generally required for the successful pursuit and completion of the course by other students in the institution for the period covered by the properly certified voucher or invoice, subject to the provisions of §§ 21.442 through 21.448 and 21.539 for Part VII trainees and §§ 21.468 through 21.476, 21.484, 21.485, 21.493 through 21.495, 21.503 through 21.519, 21.530, 21.531, 21.532, 21.539, 21.540, 21.548, 21.549, and 21.557 through 21.559, for Part VIII trainees.

3. In § 21.449, paragraphs (c), (d), (e), and (f) are amended to read as follows:

§ 21.449 *Medical services for Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainees.* * * *

(c) *Determination of fee rate payable.* The department of medicine and surgery, Veterans' Administration, has negotiated contracts with virtually all States to furnish outpatient treatment to veterans with service-connected disabilities and has negotiated contracts with a number of State associations to furnish hospital care. Where it is contemplated that a contract will be negotiated with an institution to include medical and hospital services for Public Law 16 veterans, the chief, training facilities section will ascertain from the medical division whether there is a medical contract covering the area in which the institution is located. Where such a contract exists, the fees established in the Public Law 16 contract negotiated by the regional office for medical service and the charges for hospital services furnished outside of the regular services covered by the health fee will not exceed the charges negotiated by the department of medicine and surgery. Customary charges will be paid to the institution for the services covered by the regular health fee. In those cases where the department of medicine and surgery does not have a contract covering medical treatment and hospital care, the charges for such service will be checked with the medical division to determine that they are not in excess of the general rates being approved for such services by the department of medicine and surgery.

(d) *Treatment by fee physicians.* In those cases where contractual arrangements cannot be made with educational institutions but where the institution designates a physician or physicians to whom students are referred for treatment, the regional offices will arrange with the institution to have disabled veterans report to the institution's health officer for assignment to designated physicians for treatment or referred to designated hospitals for hospitalization. In such cases, the fees for medical services and charges for hospital services shall not exceed charges provided for in contracts negotiated by the department of medicine and surgery and, where the department of medicine and surgery does not have a contract, the charges for medical and hospital services will not exceed the charges approved for such services by the department of medicine and surgery.

(e) *No certification from medical division required.* No certification is required from the medical division for medical services provided Part VII trainees under vocational rehabilitation and education contracts or through arrangement made by vocational rehabilitation and education with the institutions for fee physicians and hospital care, as these services are separate and distinct from any medical services under the jurisdiction of the medical division to which veterans may otherwise be entitled.

(f) *Voucher preparation.* The institution which provides medical services other than those covered by the health fee of the institution or by special arrangements with outside individuals or organizations will be required to submit each month to the regional office an itemized voucher showing the name and C-number of each trainee, the nature and date of services, and fees charged.

4. In § 21.519, paragraphs (a), (b), and (c) (1) are amended to read as follows:

§ 21.519 *Determination of maximum amount of payment for tuition, fees, books, supplies, and equipment where entitlement of a Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12) veteran is extended and where a Part VIII veteran has insufficient entitlement to complete a major portion of a semester, quarter, or unit period of education or training*—(a) *Law.* Paragraph 2, Part VIII, Veterans Regulation 1 (a), as amended by section 5 (b), Public Law 268, 79th Congress, reads as follows:

Provided further, That wherever the period of eligibility ends during a quarter or semester and after a major part of such quarter or semester has expired, such period shall be extended to the termination of such unexpired quarter or semester.

(b) *Reference to method of determining extension of entitlement.* Where the period of entitlement of the Part VIII veteran expires before the completion of a semester, quarter, or unit period of education or training, the method for determining the extension of entitlement, if any, will be in accordance with § 21.53, *Extension of entitlement.* Section 21.53 (b) (3) (vii) provides that in all excess cost courses payment in behalf of the veteran will not exceed the maximum dollar value of the veteran's remaining entitlement as determined by the registration officer: This maximum dollar value of remaining entitlement may be paid regardless of the time in the course when charges for tuition, fees, supplies, etc. fall due.

(c) *Notification to institution and veteran.* (1) In any case where the Part VIII veteran has insufficient entitlement to complete a major part of a term, semester, quarter, or other appropriate unit of time, the veteran and the institution will be advised by the registration officer of the exact amount of the veteran's entitlement. The maximum amount of payment for tuition and other expenses that will be made by the Veterans' Administration to the institution on behalf of such veteran will be determined as set forth in § 21.53 and arrangements for the payment of any costs not covered by the veteran's entitlement must be made between the individual veteran and the institution in which he is enrolled. In all excess charge courses, the registration officer will record on the VA Form 7–1907c or 7–1907c–1 the converted dollar value of the veteran's remaining entitlement, including the dollar value of the extension of entitlement where proper, and payments in excess of this amount will not be made by the finance division.

* * * * *

5. In § 21.570, paragraph (b) (1), (2), and (3) is amended to read as follows:

§ 21.570 *Determination when contract is required.* * * *

(b) It will be necessary for a contract to be negotiated under Public Law 346 by the Veterans' Administration for payments for tuition, fees, books, supplies, equipment, and other necessary expenses to the institution for the training of Part VIII, Veterans Regulation 1 (a), as amended, trainees under the following circumstances:

(1) With institutions providing institutional on-farm courses, see §§ 21.613 through 21.618.

(2) With institutions offering courses of instruction by correspondence, see §§ 21.625 through 21.628.

(3) With nonprofit institutions which elect and are permitted to receive payments of other than customary tuition on the credit hour rate (§ 21.475). In such cases, contracts will be made effective with the beginning of the first term, semester, or quarter, subsequent to the date the institution submits a formal request for payment of adjusted tuition on the basis of § 21.475, provided such request is approved by the Veterans' Administration.

* * * * *

6. In § 21.612, paragraphs (b) (3) and (c) are amended to read as follows:

§ 21.612 *Payment for flight training in nonprofit institutions.* * * *

(b) *Payment for voluntarily elected flight courses.* * * *

(3) The veteran requests acceleration in the use of his available entitlement for the total charge for the flight training course which he has voluntarily elected by authorizing an additional charge to his entitlement at the rate of 1 day for each $2.10 of the total cost of the flight course.

(c) *Payment for required flight courses.* When the flight course is not voluntarily elected by the student but is required by the institution as a partial fulfillment of the institution's standard credit-hour requirement for the student's degree objective, payment to the institution will be made as follows:

(1) If the institution has elected to charge the Veterans' Administration on the basis of customary charges (§ 21.472) and the total charge for the flight course and the regular course exceeds the rate of $500 for an ordinary school year, the veteran either will be required to have his entitlement charged at an accelerated rate for the excess or the veteran will be required personally to pay the amount the charge exceeds the rate of $500 for the ordinary school year. If the combined customary charge is less than the rate of $500 for one ordinary school year, the veteran will not be required to have his entitlement charged at an accelerated rate.

(2) If the nonprofit institution has elected and is permitted to charge the Veterans' Administration on the basis of other than customary tuition charges

(§§ 21.473 to 21.475 inclusive), the total payment to the institution for the other than customary tuition will be limited to an amount which together with the customary charges for fees (including flight training), books, supplies, equipment, and other necessary expenses will not exceed the rate of $500 for a full-time course for an ordinary school year. (See §§ 21.470 (b) (2) and 21.517.) If the total customary charges for fees (including flight training), books, supplies, equipment, and other necessary expenses, but exclusive of tuition charges, exceed the rate of $500 for a full-time course for an ordinary school year, the veteran may elect to have the amount of such excess customary charges, exclusive of tuition, paid by the Veterans' Administration and his entitlement charged for the excess or he may elect to pay the excess personally.

* * * * *

7. In § 21.614, paragraph (a) (4) (v) is amended as follows:

§ 21.614 *Determination of fair and reasonable compensation for institutional on-farm training—*(a) *Certified financial statement required.* * * *

(4) * * *

(v) *Building operation and maintenance, depreciation, and rent.* Cost of the pro rata portion of depreciation on instructional equipment, heat, light, power, water, janitor service, building maintenance, rent of non-publicly owned facilities, and insurance for classroom and laboratory space which may be allocated to these courses on the basis of the time the classrooms are used for these courses in relation to the full-time use of such classrooms and laboratories. A sum not in excess of $1.25 per student per month is acceptable as a fair and reasonable charge for this item without detailed calculation. In any case where the institution requests an amount in excess of $1.25 per man per month for this item, the manager will submit the proposal with the cost data and his recommendations relative thereto to the special assistant to the director, training facilities service, for the area concerned for a determination as to whether an amount in excess of $1.25 per student per month may be included in the fair and reasonable determination.

* * * * *

8. In § 21.625, paragraph (b) is amended to read as follows:

§ 21.625 *Contract negotiations for correspondence courses.* * * *

(b) *Approved schools.* In accordance with paragraph 4, Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), institutions furnishing correspondence courses must be approved. Approval of a school for use under Public Law 346 will be by the appropriate agency of the State in which the home offices of the school are located. As it is the responsibility of the State to determine which institutions are qualified and equipped to furnish education or training, it is also within the jurisdiction of the State to prescribe the standards to be met by an approved institution. The same procedure may be followed by the State in determining the standards required for correspondence courses as is followed by the State in the case of institutions offering resident instruction. The general approval given by certain State agencies to institutions covers residence courses only. Such States give separate and specific approval for correspondence courses.

* * * * *

9. In § 21.656, paragraph (d) is amended to read as follows:

§ 21.656 *Time of payment to institutions for residence courses for Parts VII and VIII, Veterans Regulations 1 (a), as amended (38 U. S. C. ch. 12), trainees and basis for determining amount payable.* * * *

(d) *Provisions for payment to certain nonprofit institutions after expiration of refund period.* (1) Nonprofit educational institutions may be paid in accordance with the provisions set forth in subparagraphs (2) and (3) of this paragraph, provided such institutions operate on a regular term, quarter, or semester basis and normally accept students only at the beginning of the term, quarter, or semester and provided further such institutions are either:

(i) Institutions of higher learning that use a standard unit of credit recognized by accrediting associations (such institutions will include those which are members of recognized national or regional educational accrediting associations and those which, although not members of such accrediting associations, grant standard units of credit acceptable at full value without examination by collegiate institutions which are members of national or regional accrediting associations), or

(ii) Public tax-supported institutions, or

(iii) Institutions operated and controlled by State, county, or local boards of education.

(2) Eligible institutions listed in subparagraph (1) of this paragraph which have a refund policy providing for a graduated scale of charges for purposes of determining refunds at least equivalent to that set forth in paragraph (e) of this section or those eligible institutions in subparagraph (1) of this paragraph which are willing to adopt such a policy with reference to veteran-trainees, except as provided in subparagraph (3) of this paragraph, may submit a bill and be paid part or all of the entire amount of the allowable tuition and other fees for term, quarter, or semester of 19 weeks or less immediately following the date on which the refund period expires as designated for each of the following bases of payment:

(i) *Customary charges or other than customary charges (§§ 21.472, 21.473, and 21.474).* Payment will be made in full for the entire term, quarter, or semester immediately following the expiration of the refund period. The graduated scale of charges of the institution will also be applicable for purposes of determining the payment to be made for veterans withdrawing or discontinuing before the expiration of the refund period.

(ii) *Section 21.475; estimated cost of teaching personnel and supplies for instruction.* (*a*) Payments on this basis consist of tuition at a rate per credit hour plus the other regular nontuition fees of the institutions such as laboratory, student health, library, and student activity fees. After the expiration of the refund period or as soon thereafter as the institution is able to determine the number of credit-hours for which a student is enrolled and for which performance will be finally recorded on the records of the institution, the institution may bill and be paid for the full amount of tuition at the contract rate per credit-hour and for the full amount of the other customary nontuition fees charged by the institution. The "number of credit-hours for which performance will be recorded" means those credit-hours of work for which the student is finally enrolled after the expiration of the period during which a student is permitted to change courses without penalty insofar as credit is concerned. The credit-hour valuation used for purposes of calculating the payment will be the normal credit offered by the institution for the subject or course involved without regard to the fact that performance may finally be recorded in any one of a number of various terms, such as full credit, withdrawn, incomplete, or such other official record of performance as may be made by the institution following the expiration of the date for change of course without penalty.

(*b*) The basis of determining the number of credit hours for purposes of payment should be comparable to the basis used by the institution in calculating the number of credit-hours for purposes of determining the rate of payment.

(3) Nonprofit educational institutions, as set forth in subparagraph (1) of this paragraph, which do not have or will not accept a graduated scale of charges for purposes of determining refunds at least equivalent to that set forth in paragraph (e) of this section, will be required to prorate charges on the basis of actual attendance for veterans withdrawing or discontinuing prior to the close of the period and will be paid in arrears for the pro rata part of the charge for services rendered during the period covered by vouchers submitted for payment. Effective with the beginning of the first term, quarter, or semester, on or subsequent to March 1, 1950, nonprofit educational institutions which have a customary refund policy more favorable than that set forth in paragraph (e) of this section will be paid on the basis of such customary refund policy applicable to nonveterans, and, therefore, such institutions will not be eligible to use the refund policy set forth in paragraph (e) of this section.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation, becomes effective July 6, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-5782; Filed, July 5, 1950; 8:46 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART Q—FOREIGN SERVICE ALLOWANCES

Effective June 1, 1950, Appendix A is amended as follows:

	Subsistence	Quarters	Total	Travel
Italy (except Rome, Naples, and Milan)				
Deleted from Class V and placed in Class XXV.	$3.00 5.00	$1.00 1.00	$4.00 4.00	$7.00 9.00
Rome and Naples				
Deleted from Class XIII and placed in Class XXIV.	5.25 6.00	1.75 3.00	7.00 9.00	10.00 13.00
Milan				
Deleted from Class V and placed in Class XXIV.	3.00 6.00	1.00 3.00	4.00 9.00	7.00 13.00
Portugal				
Deleted from Class VII and placed in Class XII.	3.75 4.50	1.00 1.50	4.75 6.00	8.00 9.00
Spain				
Deleted from Class XXI and placed in Class XXIII.	None None	None 1.75	None 1.75	8.00 9.00

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216)

Dated: June 26, 1950.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: June 29, 1950.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 50-5842; Filed, July 5, 1950; 8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-37]

[No. MC-C-4]

PART 170—COMMERCIAL ZONES AND TERMINAL AREAS

LOS ANGELES, CALIF., COMMERCIAL ZONE

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 19th day of June A. D. 1950. It is ordered that,

§ 170.5 *Los Angeles, Calif., and contiguous and adjacent municipalities.* Paragraph (a) of the order entered in No. MC-C-4 on November 9, 1937 (49 CFR 170.5) is hereby revised and modified to read as follows: The exemption provided by section 203 (b) (8) of Part II of the Interstate Commerce Act to the extent it affects transportation by motor vehicle, in interstate or foreign commerce, performed wholly within Los Angeles, Calif., or wholly within any municipality contiguous or adjacent to Los Angeles, Calif., or wholly within the zone adjacent to and commercially a part of Los Angeles, as defined in (b) of this paragraph, or wholly within the zone adjacent to and commercially a part of the San Pedro, Wilmington, and Terminal Island Districts of Los Angeles and Long Beach, as defined in (c) of this paragraph, or wholly within the zone of any independent municipality contiguous or adjacent to Los Angeles, as determined under § 170.16 of this title, or otherwise, between any point in Los Angeles County, Calif., north of the line described below, on the one hand, and, on the other, any point in Los Angeles County, Calif., south thereof is hereby removed and the said transportation is hereby subjected to all the applicable provisions of the Interstate Commerce Act:

Beginning at the Pacific Ocean, and extending easterly along the northern and eastern corporate limits of Manhattan Beach to the northern corporate limits of Redondo Beach, thence along the northern and eastern corporate limits of Redondo Beach to the intersection of Inglewood Avenue and Redondo Beach Boulevard, thence along Redondo Beach Boulevard to the corporate limits of Torrance, thence along the northwestern and eastern corporate limits of Torrance to 182nd Street, thence along 182nd Street, Walnut, and Main Streets to Olive Street, thence along Olive Street to the western corporate limits of Compton, thence along the western and southern corporate limits of Compton and the northern and eastern corporate limits of Long Beach to Artesia Street, thence east on Artesia Street to the Los Angeles-Orange County line.

And it is further ordered, that this order shall become effective on August 1, 1950, and shall continue in effect until the further order of the Commission.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 543, as amended, 544, as amended; 49 U. S. C. 302, 303)

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-5834; Filed, July 5, 1950; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—UPPER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

FISHING; PUBLIC USE

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that additional public fishing and the use of boats and outboard motor boats in certain of the waters of the Upper Souris National Wildlife Refuge can be permitted without interfering with the primary purpose of the refuge.

Inasmuch as the following regulations are relaxations of the existing regulations regarding fishing and boating on the refuge the notice and public rule-making procedure required by the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.) are hereby found to be impracticable and the effective date requirement of the Administrative Procedure Act does not apply.

Effective immediately upon publication in the FEDERAL REGISTER, §§ 33.321, 33.323, 33.324, 33.326, 33.328 and 33.329 are revised to read as follows:

FISHING

§ 33.321 *Fishing permitted.* Noncommercial fishing is permitted during the daylight hours in the following specified waters of the Upper Souris National Wildlife Refuge during the period from May 16 to September 15, inclusive, of each year in accordance with the provisions of the regulations in Parts 18 and 21 of this chapter and subject to the conditions, restrictions and requirements of §§ 33.322 to 33.325, inclusive:

Area I. The Souris River channel beginning at the north boundary of the refuge and extending south to Mouse River Park.

Area II. All waters of Lake Darling lying between Grano Crossing and State Highway No. 48 in sections 2, 3, 4, 10, and 11, T. 159 N., R. 85 W., and in sections 20, 29, 30, 32, 33, and 34, T. 160 N., R. 85 W.

Area III. All waters of Lake Darling north of Dam No. 83 in Sec. 6, T. 157 N., R. 84 W., Sec. 1, T. 157 N., R. 85 W., Sections 20, 21, 28, 29, 30, 31, and 32, T. 158 N., R. 84 W., and Sec. 36, T. 158 N., R. 85 W., 5th P. M.; except within 200 feet of the outlet gate on Dam No. 83.

Area IV. The waters adjacent to the east bank of the Souris River south of Dam No. 83 within the W½ NW¼ of Sec. 6, T. 157 N., R. 84 W.

All of the waters of the refuge shall be open to fishing during the daylight hours from December 1 to March 1 following inclusive.

Fishing is expressly forbidden from the east shoreline of Areas II and III and from any dike, dam, or water control structure. The use of live minnows as bait for fishing is prohibited.

§ 33.323 *State fishing laws.* All persons must comply with all State fishing laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for non-commercial or sport fishing in the waters of the refuge that are open to fishing.

§ 33.324 *Use of boats.* The use of boats while fishing within the waters of the refuge is permitted only in fishing Areas I, II, and III. Persons may use outboard motors of not to exceed five (5) horsepower only on boats used for fishing purposes. The use of racing craft or inboard motor boats is prohibited. Boats may be launched and landed only at points des-

ignated by the refuge officer in charge by posting.

PUBLIC USE

§ 33.326 *Public use areas.* The following described areas of the Upper Souris National Wildlife Refuge are hereby designated as recreational areas for use by the public under the conditions, restrictions, and requirements of §§ 33.326 to 33.330 inclusive:

Area A. That part within the refuge of Section 30, T. 160 N., R. 85 W.

Area B. The NE¼ of Section 11, T. 159 N., R. 85 W.

Area C. The E½ of Section 36, T. 158 N., R. 85 W., and the S½SW¼ of Section 30, T. 158 N., R. 84 W.

Area D. The W½NW¼ south of Dam No. 83 in Section 6, T. 157 N., R. 84 W.

§ 33.328 *Recreation.* Picnicking, swimming, skating, and other recreational uses may be conducted at any time without permit on the designated public use areas.

§ 33.329 *Use of boats.* Persons may use boats (rowboats, sailboats, canoes) without permit during the daylight hours in Fishing Areas I, II, and III during the period May 16 to September 15, inclusive. The use of racing craft, outboard motors, and inboard motor boats is prohibited except as authorized for fishing purposes by § 33.324. Boats may be launched and landed only at points designated by the refuge officer in charge by posting.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: June 29, 1950.

ALBERT M. DAY,
Director.

[F. R. Doc. 50-5806; Filed, July 5, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 909]

[Docket No. AO-214]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 63 Stat. 282; 7 U. S. C., 601 et seq.), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, 900.1 et seq.), a public hearing was held at Sacramento, California, March 14 through March 18, 1950, on a proposed marketing agreement and a proposed marketing order regulating the handling of almonds grown in California.

Upon the basis of the evidence adduced at the aforementioned hearing, and the record thereof, the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, on June 2, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. Notice of such recommended decision, and opportunity to file written exceptions with respect thereto, was published in the FEDERAL REGISTER (15 F. R. 3623) on June 9, 1950. The last day for filing such written exceptions has expired.

Rulings on exceptions. Exceptions to the recommended decision were filed on behalf of certain handlers (other than cooperative handlers), referred to hereinafter as "independent handlers." These exceptions have been considered carefully and fully in conjunction with the record evidence pertaining thereto in arriving at the findings and conclusions set forth in this decision. Rulings on the exceptions are hereinafter set forth in connection with the findings and conclusions to which they refer. To any extent that the findings and conclusions of this decision are at variance with the exceptions not otherwise specifically ruled upon, such exceptions are overruled.

Findings and conclusions. The material issues and the findings and conclusions of the aforesaid recommended decision (F. R. Doc. 50-4892; 15 F. R. 3623-3647) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except for the corrections set forth below, and except as they are modified by the findings and conclusions, including those in connection with the exceptions, as hereinafter set forth: 15 F. R. 3632, third column, 22d line from the top, the word "inch" should be added after "one-eighth" at the end of said line; in 15 F. R. 3637, first column, 64th line from the top, the word "be" at the end of said line should be changed to "he"; in 15 F. R. 3637, second column, 53d line from the top, the word "conductive" at the beginning of said line should be changed to "conducive"; and, in 15 F. R. 3638, first column, 57th line from the top, the words "out the" at the end of said line should be changed to "out of the."

(1) Exception was taken to the proposed provision, in § 909.64, which would require that each of the board estimates and recommendation in connection with the fixing of the salable and surplus percentages for a crop year be adopted by the affirmative vote of at least six of the ten members of the board. It was contended in this regard that handler and grower representatives of cooperatives on the board would probably vote together as a unit, and their vote, under the proposed arrangement, would become the board decision. It was argued that at least seven affirmative votes should be required for each of the aforesaid actions. While, at the beginning, the cooperative group would have majority representation on the board by reason of the fact that it handles the greater portion of the almond crop, there is no certainty that this situation will continue indefinitely. There was also a strong indication at the hearing that the independent group would also tend to vote as a unit in that regard. Therefore, to require the affirmative vote of seven members would, in effect, amount to a requirement for the unanimous vote of the board, which, in the circumstances, would seem to be an impracticable requirement. It is contemplated that the board estimates and recommendation will be only a part of the factors which the Secretary will consider in reaching a final decision. In other words, in case the independent group should not agree with the estimates and recommendation adopted by the board, its views together with all data in support thereof, would still be considered carefully by the Secretary before he reaches his final decision. The proposed way of handling is consistent with the way of handling the matter which has been followed in regulatory programs of this kind involving other tree nuts, and, in those other programs, it has happened on a number of occasions, that the Secretary has not followed the recommendations of the administrative agency when other data available to him has indicated that he should not do so. This exception is denied.

(2) Exception was taken to the proposed provisions, in § 909.65 (a), which would, with certain specified exceptions, require each handler to withhold from handling a quantity of almonds having an edible kernel weight equal to the surplus percentage of the edible kernel weight of all almonds such handler receives for his own account during a crop year, except that, in the event adequate records are not available at any time to show all quantities of almonds received by a handler during a crop year, or any part thereof, the surplus obligation of such handler should be a quantity of almonds having an edible kernel weight equal to the withholding percentage of the edible kernel weight of the almonds theretofore handled by such handler during the crop year. The computation of this withholding percentage was specified to be on the basis of the ratio, measured as a percentage, of the surplus percentage to the salable percentage. The exceptor objects to these proposed provisions on the general grounds that: "The proposal made by the independents (the exceptors' proposal as submitted at the hearing) for setting forth the withholding requirements is more definite and certain, more in accord with what will be the normal industry practice of setting aside surplus and moreover, as shown at length in the brief, the desirability of every feature of that proposal has been testified to by

proponents' witnesses. The proposal of the independents also overcomes any question of acquisition of almonds after a handler's last handling in a crop year (F. R. 3632). It has the advantage of simplicity and definiteness, rather than being lacking in detail, and subject to numerous questions, problems, and interpretations."

The exceptor's basic proposal, as submitted at the hearing, would require each handler to withhold from handling, as of any given time, a quantity of almonds having an edible kernel weight equal to the withholding percentage, as described above, of the edible kernel weight of all almonds shipped by him up to that time. In addition, the exceptor's proposal would attempt to provide specifically for withholding of surplus by handlers who file deferment bonds in support of authorizations from the control board to defer accounting for surplus for specified periods not later than April 1 of the particular crop year. Under that plan, any almonds received by a handler subsequent to his last handling in a crop year would be carried over into the next crop year, and the percentages for such next crop year would be applicable thereto.

In its brief on the evidence adduced at the hearing, the exceptor argued that its proposal had the following meritorious features: (a) It would preclude the control board from demanding that a handler who had filed a deferment bond deliver his surplus to such board prior to the expiration of the deferment period; (b) it would cover separately and specifically the surplus withholding obligations of handlers who filed deferment bonds and of handlers who did not file such bonds, respectively; and (c) it would enable each handler to know, with certainty, his surplus obligations at all times by means of a simple and readily calculable computation.

Answering the exceptor's contentions as lettered above, the proposed provisions would: (a) Specifically preclude the control board from demanding that a handler who had filed a deferment bond deliver his surplus to the control board prior to the expiration of the deferment period; (b) make it unnecessary to provide separately for the surplus withholding operations of handlers who have filed deferment bonds as opposed to those who have not filed such bonds, since the same obligations attach to each group and the only difference is with regard to the time when liability for accounting for, and delivery of surplus arises; and (c) provide a simpler and more readily calculable computation for a handler to determine his surplus obligation at any and all times by reason of the fact that, in order to make such determination at any particular time, the handler would need only to apply the then applicable surplus percentage against all almonds received by him for his own account up to that time.

With regard to the exceptor's claim that its plan "would overcome any question of the acquisition of almonds after a handler's last handling in a crop year," such a result would accrue only from the standpoint that the exceptor would apply the percentages no further than at the time of the last handling. However, the problem would still remain with respect to any acquirements in a crop year after such last handling. The exceptor's proposal would necessarily require that any such subsequent acquirements be carried over to the next crop year and that the percentages for such next crop year, which would probably be different from the percentages for the crop year in which the almonds were received, apply thereto. Such a way of handling could obviously create inequities among handlers in meeting the surplus burden. As a practical matter, also, there is only a remote possibility that a handler will acquire almonds after his last handling in a crop year, particularly since producers normally deliver their almonds to handlers during the fall and winter and handlers usually market, or handle, almonds throughout the entire year.

The application of the surplus, rather than the withholding, percentage for the determination of the withholding obligations of handlers was proposed and argued at the hearing by the proponent of the order. Such a method, when applied against receipts, has the merit of simplicity, and insures that the surplus will be apportioned strictly according to the percentage which is decided upon as necessary to effectuate the policy of the act.

The exceptor's claim that the proposed provisions are "lacking in detail, and subject to numerous questions, problems, and interpretations" was not supported by any specific references to any such defects therein. It is believed that such proposed provisions are adequate for the intended purpose, and that they will be workable.

This exception is, therefore, denied.

(3) Exceptions were taken to the proposed provisions, in §§ 909.100 to 909.103, both inclusive, relating generally to the disposition of surplus almonds. Such exceptions were, first, that the language of the proposed provisions is vague and indefinite, and, second, that the time for the optional termination by a handler of his agency for the disposal of his surplus should be changed from April 1 to June 1.

For clarity of understanding in connection with the second exception, it is necessary to restate here the substance of the proposed provisions in that regard. Such proposed provisions (in § 909.102) would permit any handler, upon request made by him to the control board prior to the delivery by him to it of any surplus in a crop year, to act as the agent of such board in the disposition of his surplus, and, in that connection, a handler so authorized to dispose of his surplus as agent would be permitted to do so through arrangement with, and by, another handler who had likewise been authorized to act as agent. Further, any handler who had been so authorized to act as agent would be permitted, in case he should desire to do so, to terminate the agency as of April 1 of the particular crop year by giving written notice to the board to that effect not later than the previous March 20, in which event, such handler would be required to return to the Board, for disposition by it, all surplus almonds then remaining in his possession. In case a handler should not elect to terminate his agency as of April 1, he would be required to continue to serve as agent until August 1 of thte next crop year, at which time all such agencies then in effect would automatically terminate.

As has been indicated, the exceptor contends that the optional date for termination should be at least June 1, rather than April 1. The exceptor contends that April 1, which is also the date at which deferment periods for the accounting for surpluses would usually expire, is not a sufficiently late date for handlers to make satisfactory estimations as to whether they will be in position to dispose of all of their respective surpluses, and that they should have an additional period of at least two more months to reach a decision in that regard. In other words, in order to provide greater flexibility in this regard, the exceptors contend that the indicated additional period should be granted. Under the proposed provisions, a handler not electing to terminate his agency as of April 1, would be required to continue in that capacity until the following August 1. Therefore, the exceptor's proposal would reduce such subsequent period from four months to a maximum of two months.

It was proposed at the hearing by the proponents of the order that any handler who had elected to act as agent in the disposition of his surplus should be required to continue in that capacity, in any event, until September 1 of the next crop year. On the other hand, the independent handlers, who are the exceptor in this connection, contended at the hearing that a handler should be permitted to terminate his agency at any time he should desire to do so. It has been concluded that neither of these proposals should be adopted, but that handlers should be afforded one opportunity during a crop year to elect to terminate their agencies. It has been concluded further that such optional termination date should be April 1, for the reason that the outlook for disposition of surplus at the time the bond deferment periods usually expire (April 1) might differ materially from the situation existing at the beginning of the crop year, particularly since a large volume of surplus is expected to become available at the expiration of the bond deferment periods. It was indicated at the hearing that most, if not all, handlers would elect to take the benefit of the bond deferment provisions, and it was further indicated at the hearing that handlers electing to serve as agents for the disposition of their surpluses would normally do so from the standpoint that they would be able to dispose of a part of it in the more remunerative surplus outlets, principally for export. Statistics on file in the Department indicate that in the five crop years 1944–48, inclusive, approximately 80 percent of all almonds exported were exported during the eight months preceding April 1, i. e., August through March. In these circumstances, it is concluded that not only would handlers generally be able to sell substantial portions of their surplus almonds in the more remunerative outlets by April 1, but

also the situation at that time should be such that they should be able to make reasonably accurate estimations as to whether they will be able to dispose of all, or a part, of their remaining surpluses to their advantage. In addition, any quantities of such surpluses not disposed of by handlers as agents will necessarily have to be disposed of subsequently by the board, and it is imperative, if the board is to perform its duty in that regard satisfactorily and efficiently, that it have as much time for that purpose as may be practicable.

With respect to the exceptor's first exception, namely, that the proposed provisions in this connection are "vague and ambiguous," such contention was not supported by any specific reference to any such defects. A comparison of the language of the proposed provisions with the language in the comparable provisions suggested by the exceptor at the hearing discloses that, except for differences in conclusions as to details of handling (the reasons for which have been discussed), all provisions suggested by the the exceptor have been covered specifically in the proposed provisions. It is believed that such proposed provisions are adequate for the intended purpose, and that they are not "vague and ambiguous."

In connection with the making of the aforementioned exceptions, the exceptor stated that the provisions, in § 909.103, which would create three pools for use in connection with surplus almonds disposed of by the board directly was not supported by any "testimony either by the cooperative or the independents."

In the present instance, it was proposed and contended for at the hearing by both the cooperative association and the independent handlers that any handler who desired to do so should be permitted to dispose of his own surplus and, that, in such an event, he should be permitted to have for himself the net proceeds which were derived therefrom. It was likewise proposed and contended at the hearing that the control board should dispose of all surplus referable to handlers who did not elect to act as agents, as well as all surplus which remains unsold in the hands of agent handlers at the times of the terminations of their agencies. In an effort to insure that the net proceeds from the surplus sales through the board would be distributed equitably and fairly, the cooperative association proposed and argued at the hearing that such disposion should be made on the basis of two pools, one representing all sales or dispositions made on or prior to September 1 of the particular crop year, and the other pool representing all sales or dispositions made thereafter.

The proposal of the cooperative association was, of course, predicated on its further contention that handlers electing to serve as agents should be required to continue in that capacity until September 1, and that all such agencies should terminate as of that date. In other words, its proposal was made in recognition of the fact, which was admitted freely at the hearing, that the board, as well as the handlers, would normally be able to sell surplus for more remunerative prices during the first part of a crop year, and it would not be fair or equitable to permit handlers who elected to serve as agents to participate also in the more remunerative returns received by the board during a period when none of their surplus almonds were available for disposition by the board, particularly since the expressed reason given for handlers electing to serve as agents was that they would anticipate that they would be able, during their agency periods, to obtain higher net returns from the sales of surplus by them than could be obtained by the board from surplus sales by it.

Also, the independent handlers, the exceptors in this connection, proposed and argued at the hearing that the control board should be authorized to "set up one or more separate surplus pools based on the time at which surplus almonds were made available for disposition by the control board or upon other factors which the control board may deem reasonable and proper." Thus, the exceptor also recognized the appropriateness and desirability of the establishment of more than one pool based on the time at which surplus almonds are made available for disposition by the control board. In connection with the independent handlers' proposal, however, it has been concluded that the regulation should contain specific provisions respecting the establishment of these pools, rather than leave the matter to subsequent and less formal rule-making proceedings on the part of the control board.

The proposed provisions follow generally the proposal which was proposed and argued by the cooperative at the hearing, except that it recognizes the fact that handlers electing to act as agents for the disposition of their surplus are to be granted an option to terminate their agencies as of April 1, and that all such agencies not theretofore terminated are to be terminated automatically as of August 1. With these necessary modifications, the proposed provisions are logical and appropriate in the light of the reasons as discussed above in connection with the cooperative association's proposal.

Therefore, all such exceptions are denied.

Provisions are now contained in the proposed order which refer to the initial crop year as beginning on July 1, 1950 (see § 509.4), and to crop years generally as beginning on July 1 (see § 909.25). Also, in § 909.64, it would be required that the control board furnish to the Secretary, not later than August 1 of each crop year, certain estimations with respect to matters which will be pertinent for his consideration in fixing the salable and surplus percentages for that crop year, together with its recommendation in that regard. In view of the lateness of the time and the further period which will be needed for the accomplishment of other necessary actions, it now appears improbable that the order can be made effective by July 1, 1950, or that it can be made effective in time for the control board to be selected, qualified, organized, meet, and submit the indicated estimations and recommendation to the Secretary by August 1, 1950. Therefore, appropriate modifications of the proposed order should be made so as to have the initial crop year begin on the effective date of said order, and so as to have the indicated estimations and recommendation for the initial crop year submitted to the Secretary within a reasonable time after such order becomes effective. It is concluded that a reasonable time in that regard would be 15 days.

The aforementioned findings and conclusions are supplemented by the following general findings:

General findings. (1) The proposed marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The proposed marketing agreement and order will be applicable only to persons in the respective classes of industrial and commercial activities specified in the proposals upon which the hearing was held;

(3) There are no differences in the production and marketing of said commodity in the production area covered by the proposed marketing agreement and order which make necessary different terms applicable to different parts of such area;

(4) The production area, as set forth in the proposed marketing agreement and order, is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and

(5) The handling, as defined herein, of almonds grown in California is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Marketing agreement and order. Annexed hereto, and made a part hereof, are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Almonds Grown in California" and "Order Regulating the Handling of Almonds Grown in California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Done at Washington, D. C., this 30th day of June 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Almonds Grown in California

AUTHORITY: §§ 909.0 to 909.161 issued under the authority of 48 Stat. 31, as amended; 62 Stat. 1247; 63 Stat. 282, 1051; 7 U. S. C. 601 et seq.

§ 909.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 62 Stat. 1247; 63 Stat. 282, 1051; 7 U. S. C. 601 et seq.), and in accordance with the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.1 et seq.) a public hearing was held at Sacramento, California, on March 14 through March 18, 1950, upon a proposed marketing agreement and a proposed marketing order regulating the handling of almonds grown in California. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order will be applicable only to persons in the respective classes of industrial and commercial activities specified in the proposals upon which the hearing was held;

(3) There are no differences in the production and marketing of said commodity in the production area covered by this order which make necessary different terms applicable to different parts of such area;

(4) The production area, as set forth in this order, is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and

(5) The handling, as defined herein, of almonds grown in California is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is therefore, ordered that, on and after the effective time hereof, the handling of almonds grown in California shall be in conformity to, and in compliance with, the terms and conditions of said order, which are as follows:

DEFINITIONS

§ 909.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties hereunder of the Secretary of Agriculture of the United States.

§ 909.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 62 Stat. 1247; 63 Stat. 282, 1051; 7 U. S. C. 601 et seq.).

§ 909.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 909.4 *Almonds.* "Almonds" means (unless otherwise specified) all varieties of almonds (except bitter almonds), either shelled or unshelled, grown in the State of California in the initial crop year hereunder, and thereafter.

§ 909.5 *Unshelled almonds.* "Unshelled almonds" means almonds the kernels of which are contained in the shell.

§ 909.6 *Shelled almonds.* "Shelled almonds" is synonymous with the term "kernels" and means almonds after the shells are removed.

§ 909.7 *Major variety.* "Major variety" means any one of the following varieties of almonds: Nonpareil, IXL, Ne Plus Ultra, Peerless, Drake, Mission, and Jordanolo.

§ 909.8 *Similar variety.* "Similar variety" means any variety, other than a major variety, having characteristics closely resembling the particular major variety under consideration.

§ 909.9 *Dissimilar varieties.* "Dissimilar varieties" means any two or more varieties, one of which is a major variety or variety similar thereto and the other of which is another major variety or variety similar thereto.

§ 909.10 *Mixed varieties.* "Mixed varieties" means any lot of almonds which, in respect to the predominant variety in the lot, contains more than 17 percent by weight of dissimilar and similar varieties, and any such lot or any other lot which contains more than six percent by weight of a dissimilar variety or varieties.

§ 909.11 *Inedible kernel.* "Inedible kernel" is synonymous with "damaged

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders, have been met.

kernel" and means an almond kernel or piece thereof (which will not pass through a round opening one-eighth inch in diameter) damaged in any one of the following ways: (a) Gumminess, when 25 percent or more of the surface area is covered by a waxy or resinous appearing substance; (b) insect or bird injury, when there is any evidence of, or injury by, insects or birds; (c) shriveling, seriously affecting 50 percent or more of the surface area or any shriveling, dark discoloration, or thinness producing an equally objectionable effect; (d) stains or dirt, when kernels have a dirty appearance caused by grease, mud, dirt, or other foreign substance; (e) mold, when there are light strands of white or grey mold affecting 10 percent or more of the surface area, or presence of other molds; (f) rancidity, when the kernel oil is partially oxidized producing a rancid taste or odor or the inside of the kernel is yellowish or brownish in color; (g) damage by other means, when there is any damage from any other cause of seriousness equal to any of the above enumerated classes of damage. Pieces of kernels which will pass through a round opening one-eighth inch in diameter and are rancid, moldy, dirty, or otherwise equally objectionable shall also be classed as inedible. The foregoing specifications may be revised or amended by the Secretary, on recommendation of the control board.

§ 909.12 *Edible kernel.* "Edible kernel" is synonymous with "sound kernel" and means an almond kernel or piece thereof which is not an inedible kernel.

§ 909.13 *Edible kernel weight.* "Edible kernel weight" means the weight of edible kernels contained in any lot of almonds, unshelled or shelled.

§ 909.14 *Almonds received for his own account.* "Almonds received for his own account" means all almonds which are received by a handler (including all almonds of his own production), except those which are received by him for storage or processing for the account of any other person and with respect to which such handler performs no handling function.

§ 909.15 *Area of production.* "Area of production" means the State of California.

§ 909.16 *Grower.* "Grower" is synonymous with "producer" and means any person engaging, in a proprietary capacity, in the commercial production of almonds.

§ 909.17 *Handler.* "Handler" means any person handling almonds during any crop year, except that such term shall not include a grower who sells only almonds of his own production at retail at a roadside stand operated by him.

§ 909.18 *Cooperative handler.* "Cooperative handler" means any handler which is a cooperative marketing association of growers regardless of where or under what laws it may be organized.

§ 909.19 *Pack.* "Pack" means any commercially recognized classification of almonds according to variety, size, quality, appearance, and condition.

§ 909.20 *To process.* "To process" means to bleach, clean, grade, shell, halve, package, or otherwise prepare in any manner whatsoever almonds for market as unshelled or raw shelled almonds, except as a grower in preparation for delivery of his own almonds to a handler.

§ 909.21 *To manufacture.* "To manufacture" means to blanch, slice, dice, roast, or otherwise prepare products from raw shelled almonds.

§ 909.22 *To handle.* "To handle" means to sell, consign, transport, ship (except as a common carrier of almonds owned by another person), or in any other way to put into the channels of trade either within the area of production or from such area to points outside thereof, except that such sales or deliveries by growers to a handler within the area of production shall not be considered as handling.

§ 909.23 *Inspection agency.* "Inspection agency" means either that inspection service on almonds which is performed by the United States Department of Agriculture under a cooperative arrangement with a State pursuant to authority contained in any act of Congress, which service is generally known as the Federal-State Inspection Service, or that inspection service on almonds which service is performed independently by the United States Department of Agriculture, which is generally known as the Federal Inspection Service, except that the term shall mean the Federal-State Inspection Service in the absence of a specific, and unrevoked, designation, by the Secretary, of the Federal Inspection Service as the inspection agency hereunder.

§ 909.24 *Settlement weight.* "Settlement weight" means the actual gross weight of any lot of almonds received for his own account by any handler, less adjustments as follows:

(a) For weight of containers;

(b) For excess moisture content;

(c) For trash and other foreign material of any kind; and

(d) For inedible kernel content.

§ 909.25 *Crop year.* "Crop year" means the 12 months from July 1 to the following June 30, both inclusive: *Provided*, That the initial crop year hereunder shall begin on the effective date hereof.

§ 909.26 *Handler carryover.* "Handler carryover" as of any given date means all almonds (except almonds held as surplus) wherever located, then held by handlers or for their accounts (whether or not sold), not including any manufactured products.

§ 909.27 *Trade demand.* "Trade demand" means the quantity of almonds which the wholesale, chain store, confectionery, bakery, ice cream, and nut salting trades will acquire from all handlers during a crop year for distribution in continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone.

§ 909.28 *Control board.* "Control board" is synonymous with "board" and means the Almond Control Board established by this subpart.

§ 909.29 *Part and subpart.* "Part" means the order regulating the handling of almonds grown in the State of California, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such part.

ALMOND CONTROL BOARD

§ 909.40 *Establishment.* A control board of ten members, with an alternate member for each such member, is hereby established.

§ 909.41 *Membership representation.* Two members and an alternate for each member shall be selected from nominees submitted by each of the following groups designated in paragraphs (a) through (d) of this section, or from among other qualified persons belonging to such groups; and one member and an alternate member shall be selected from nominees submitted by each of the following groups designated in paragraphs (e) and (f) of this section, or from among other qualified persons belonging to such groups:

(a) The cooperative handlers;

(b) All handlers, other than cooperative handlers;

(c) Those growers who market their almonds through cooperative handlers;

(d) Those growers who market their almonds through other than cooperative handlers;

(e) The group of cooperative handlers or the group of handlers other than cooperative handlers whichever during that part of the then current crop year through March 31 received for their own accounts more than 50 percent of the almonds delivered by growers: *Provided*, That the group in this category for the selection of original members shall be the group of cooperative handlers; and

(f) Those growers whose almonds were marketed during that period of the then current crop year through March 31, through the handler group specified in paragraph (e) of this section.

§ 909.42 *Selection of original members.* The original members and their respective alternates shall hold office for a term ending with the second Monday in June, 1951, and until their successors shall be selected and shall qualify, and shall be selected by the Secretary from each of the six groups specified in § 909.41. The nominating procedure prescribed in § 909.43 (a) shall not be followed for the selection of the initial control board.

§ 909.43 *Successor members*—(a) *Nominations.* Nominations for successor members and alternate members for each of the six groups specified in § 909.41 shall be made by that group. The nominations for each such group shall be submitted on the basis of ballots, which shall be mailed by the control board, in the case of each such group, to all members of which it has a record, and the board shall also make such ballots available upon request. Every such ballot shall contain the names of the then incumbent members and alternate members of the board representing the particular group, listed

separately, and it shall also contain blank spaces for use by voters in writing in the names of any persons other than those listed for whom they might desire to vote. In addition, the ballots for use by growers who market their almonds through other than cooperative handlers shall contain the name of any other person who has been proposed as a nominee for the particular position in a petition, signed by at least 15 of such growers, which had been submitted to the board. Previous announcements of every such balloting, regardless of whether by handlers or by growers, will be made by press releases through the United States Department of Agriculture to the newspapers and other publications having general circulation in the almond producing areas in California, furnishing pertinent information with respect to such balloting. The control board shall furnish, along with each ballot, all information needed for voting purposes.

In cases of voting by handlers (regardless of whether cooperative or other than cooperative), the vote of each handler shall be weighted by the volume of the tonnage of almonds (computed to the nearest whole ton in the case of fractions), in terms of edible kernel weight, recorded by the control board as having been received by the particular handler for his own account during the period through March 31 of the crop year in which the nominations are made. Each handler shall cast his vote as to his respective choices for the number of member positions to be filled and for the number of alternate member positions to be filled. The nominees for the respective member positions shall be the persons receiving, in order, the highest number of the votes cast by all handlers in the group for those positions for that group which are to be filled. Likewise, the nominees for the respective alternate member positions shall be the persons receiving, in order, the highest number of votes cast by all handlers in the group for those positions which are to be filled. The handler group which is determined to be eligible for additional representation on the board as the group which received more than 50 percent of the almonds delivered by growers through March 31 of the crop year in which the nominations are made, which group is referred to and described in paragraph (e) of § 909.41, shall nominate the persons to represent it in that group in the same manner as it nominates its other representatives. Similar provisions shall be applicable to voting by growers who market their almonds through cooperative handlers, except that nominations on their behalf shall be submitted by the appropriate cooperative handler on the basis of a ballot cast by it for the growers who are members of, or under contract with, such cooperative handler, and such ballot shall be weighted by the number of growers who are members of, or under contract with, such cooperative handler.

In cases of voting by growers who market their almonds through other than cooperative handlers, each grower shall have only one vote, and every vote shall have equal weight. The nominees for the respective member positions for that group shall be the persons receiving, in order, the highest number of the votes cast by all such growers for those positions. Likewise, the nominees for the respective alternate member positions for such group shall be the persons receiving, in order, the highest number of the votes cast by all such growers for those positions. In the event such group should be determined to be eligible for additional representation on the board as the group of growers whose almonds were marketed through March 31 of the crop year in which the nominations are made through the handler group which received more than 50 percent of the almonds delivered by all growers to all handlers during that period, which grower group entitled to additional representation is referred to and described in paragraph (f) of § 909.41, it should nominate the persons to represent it in that group in the same manner as it nominates its other representative on the board.

Nominations received in the foregoing manner by the control board shall be reported to the Secretary on or before May 20 of each crop year, together with a certificate of all necessary tonnage data and other information deemed by the board to be pertinent or requested by the Secretary. If such nominations of any group are not submitted as hereinbefore provided to the Secretary on or before May 20 of any year the Secretary may select representatives of that group, without nomination.

(b) *Selection.* The successors of the original members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning with the first Tuesday after the second Monday in June, and shall serve until their respective successors shall be selected and shall qualify.

§ 909.44 *Qualification.* Any person selected as a member or alternate of the control board, shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, upon ceasing to be such member or employee, become disqualified to serve further and his position on the control board shall be deemed vacant.

§ 909.45 *Alternates.* An alternate for a member of the control board shall act in the place and stead of such member (a) in his absence, or (b) in the event of his death, removal, resignation or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ 909.46 *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation or disqualification of any member or alternate of the control board, a successor for his unexpired term shall be selected as soon as practicable in the manner provided in § 909.43, so far as applicable.

§ 909.47 *Expenses.* The members of the control board shall serve without compensation, but shall be allowed their necessary expenses.

§ 909.48 *Powers.* The control board shall have the following powers:

(a) To administer the provisions hereof in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions hereof;

(c) To receive, investigate and report to the Secretary complaints of violations hereof; and

(d) To recommend to the Secretary amendments hereto.

§ 909.49 *Duties.* The control board shall have, among other things, the following duties:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall be subject to examination by the Secretary at any time;

(c) To investigate the growing, shipping, and marketing conditions with respect to almonds and to assemble data in connection therewith;

(d) To furnish to the Secretary such available information as may be deemed pertinent or as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and fix the bonds of such employees; and

(f) To cause the books of the control board to be audited by one or more competent certified public accountants at least once for each crop year, and at such other times as the control board may deem necessary or as the Secretary may request; and the report of each such audit shall show, among other things, the receipt and expenditure of funds pursuant hereto; and to file with the Secretary three copies of all audit reports made.

§ 909.50 *Procedure*—(a) *Organization and rules.* The members of the control board shall select a chairman from their membership. The board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the control board as is given to members of the board.

(b) *Quorum.* All decisions of the control board, except where otherwise specifically provided, shall be by a majority vote of the members present. The presence of six members shall be required to constitute a quorum.

(c) *Permissive method of voting.* The control board may vote by mail or telegram upon due notice to all members including in the notice to each a statement of a reasonable time in which a vote by mail or telegram must be received for counting: *Provided*, That voting by mail or telegram shall not be permitted at any assembled meeting of the board. When any proposition is submitted for voting by mail or telegram, one dissenting vote shall prevent its adoption by that method.

(d) *Right of the Secretary.* The members of the control board (including successors or alternates), and any agent or employee appointed or employed by

the control board, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the control board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

SURPLUS CONTROL

§ 909.60 *General.* In order to effectuate the declared policy of the act, no handler shall handle almonds except in accordance with the terms and conditions of this part.

§ 909.61 *Withholding surplus.* When a surplus percentage has been fixed for any crop year, as hereinafter provided, no handler shall handle almonds except on condition that he comply with the requirements in respect to withholding surplus almonds and the prescribed disposition thereof.

§ 909.62 *Method of establishing salable and surplus percentages.* Whenever the Secretary finds from the recommendations and supporting information supplied by the control board or from any other available information, that to designate the percentages of almonds during such crop year which shall be salable almonds and surplus almonds, would tend to effectuate the declared policy of the act, he shall designate such percentages. The salable and surplus percentages shall each be applied to the edible kernel weight of almonds received by a handler for his own account during the crop year, as provided in § 909.65. In fixing such salable and surplus percentages the Secretary shall give consideration to the ratio of the estimated trade demand, minus the estimated handler carryover, to the estimated production of almonds, all expressed in terms of edible kernel weight, the recommendations submitted to him by the control board, and such other data as he deems appropriate. The total of the salable and surplus percentages fixed each crop year shall equal 100 percent.

§ 909.63 *Increase of salable percentage.* The Secretary may, on request of the control board made at any time prior to May 15 of any crop year (or if the control board shall fail to so request, upon the request within like time of two or more handlers who have handled during the immediately preceding crop year at least 15 percent of the total tonnage, in terms of edible kernel weight, handled by all handlers during such crop year), and after findings of facts based upon such revised and current information as may be pertinent that the almonds available for handling will not be sufficient to supply the trade demand, increase the salable percentage to conform with such new relation as may be found to exist between trade demand and available supply.

§ 909.64 *Board estimates and recommendations.* To aid the Secretary in fixing the salable and surplus percentages, the board shall furnish to the Secretary, not later than August 1 of each crop year (except, for the initial crop year hereunder, such submission shall be made not later than 15 days after the effective date hereof), the following estimates, expressed in terms of edible kernel weight, and recommendation, each of which shall be adopted by the affirmative vote of at least six members:

(a) Its estimate of the quantity of almonds to be produced during such year;

(b) Its estimate of handler carryover as of July 1, regardless of the crop year in which the almonds were produced;

(c) Its estimate of the total trade demand taking into consideration economic conditions and the anticipated market price, within the limitations of the act; and

(d) Its recommendation as to the salable and surplus percentages to be fixed.

The board shall also furnish to the Secretary a complete report of the proceedings of the board meeting at which the recommended salable and surplus percentages to be fixed by the Secretary were adopted. If, for any reason, the board fails to make these estimates or to recommend to the Secretary salable and surplus percentages as required hereby, reports representing the respective views of each member with respect to such matters shall be submitted to the Secretary and the Secretary may act on the basis of such reports or such other information as may be available to him.

§ 909.65 *Surplus obligation*—(a) *Requirement for withholding.* Except as otherwise provided in §§ 909.66 and 909.68, every handler shall withhold from handling a quantity of almonds having an edible kernel weight equal to the surplus percentage of the edible kernel weight of all almonds such handler receives for his own account during the crop year: *Provided*, That this provision shall not apply to any lot of almonds for which the surplus obligation has been met by a previous holder and the handler receiving such almonds makes a report thereof to the control board accompanied by a certification from the previous holder that the surplus obligation for such almonds has been met. Such almonds so withheld shall be set aside and thereafter kept for the account of the control board and, from the date of withholding, and at all times thereafter, shall be kept by the handler available for inspection by the control board or its agents. Such almonds shall be stored in such manner as to maintain them in the same condition as when certified as surplus, except for loss through fire, acts of God, acts of war, riot or other conditions beyond the handler's control. Upon demand of the control board they shall be delivered to the board f. o. b. handler's warehouse or point of storage, except that the control board shall not make such demand upon a handler prior to April 1, with respect to surplus almonds for which the handler has filed a bond, as provided for in § 909.66, which bond is in force and effect. All such surplus almonds so withheld by the handler shall be, at the time of withholding, placed by the handler at his expense in suitable containers which may be prescribed by the control board and following inspection shall be identified by appropriate seals or stamps and tags to be furnished by the board and to be affixed to the containers by the handlers under the direction and supervision of the control board. In the event adequate records are not available at any time to show all almonds received by a handler during a crop year, or any part thereof, the surplus obligation of such handler in respect to almonds handled by him shall be a quantity of almonds having an edible kernel weight equal to the withholding percentage of the edible kernel weight of all the almonds theretofore handled by such handler during the crop year. Such withholding percentage shall be the ratio, measured as a percentage, of the surplus percentage to the salable percentage. The quantity of almonds hereby required to be withheld shall constitute, and may be referred to as, the "surplus" or "surplus obligation" of a handler. The almonds handled by any handler in accordance with the provisions of this part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

(b) *Grade requirement for surplus.* Lots of almonds to be eligible for certification as surplus must meet the following requirements, and only edible kernel weight in such lots shall be credited as surplus: (1) They shall be dry and properly cured; (2) unshelled almonds shall not be affected by adhering hulls (where more than ten percent of the surface is affected) on more than five percent by count; shall contain no more than two percent by weight of loose shells, hulls and other foreign material; and not more than ten percent by count of the kernels shall be inedible; and (3) shelled almonds shall not contain, in the aggregate, more than five percent by weight of loose hulls, shells, other foreign material, inedible kernels, and material of any kind which will pass through a round opening one-eighth inch in diameter. The requirements of this paragraph may be revised or amended by the Secretary upon the recommendation of the control board.

§ 909.66 *Postponement of surplus obligation upon filing bond*—(a) *Privilege.* Compliance by any handler with the requirements of § 909.65 as to the time when surplus almonds shall be withheld shall be deferred to any date desired by the handler but not later than March 31 of the crop year, upon the voluntary execution and delivery by such handler to the control board, before he handles any almonds of such crop year, of a written undertaking that on or prior to such date he will have fully satisfied his surplus obligation required by said § 909.65.

(b) *Bond requirement.* Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the control board, and with a surety or sureties acceptable to the control board, in the amount or amounts stated below conditioned upon full compliance with such undertaking. Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the handler's de-

ferred surplus obligation. The bonding value shall be the total deferred surplus obligation of the handler in pounds multiplied by the bonding rate established pursuant to paragraph (c) of this section. The cost of such bond or bonds shall be borne by the handler filing the same.

(c) *Bonding rate.* Said bonding rate shall be based upon the then current season's domestic price per pound for shelled almonds generally known in the trade as "Nonpareil Medium" and shall be computed at 90 percent of the weighted average domestic price f. o. b. shipping point for the then current crop year at which such pack was sold during the first 15 days following announcement of opening prices, by any handler or handlers who during the preceding crop year handled 51 percent of the almonds handled by all handlers. Such handler or handlers shall be selected in order of volume handled in the preceding crop year, using the minimum number of handlers to represent a volume of 51 percent of the total volume handled. If the price from two or more handlers is involved for the designated pack, the price so computed shall be averaged on the basis of the quantity of such designated pack handled during the preceding crop year by each such handler. Handlers whose prices are to be used as aforesaid shall furnish the board with information necessary to compute the bonding rate. Until the bonding rate is fixed for the first crop year ending June 30, 1951, the bonding rate shall be 38.5 cents per pound.

(d) *Description of Nonpareil Medium.* "Nonpareil Medium" is the shelled product of a major variety of almonds produced in California known as Nonpareil. It has the following specifications: fairly uniformly graded kernels of the Nonpareil variety generally counting 22 to 24, 23 to 25, or 24 to 26 kernels to an ounce, consisting of whole unchipped almond kernels (whole kernels having chips not exceeding one-eighth inch in diameter or cuts and scratches one-sixteenth inch wide by three-eighths inch long shall not be classified as chipped kernels) with not more than ten percent by count of whole kernels having larger chips or cuts and scratches than above defined, not more than five percent by weight of double (twin) kernels, not more than one-half of one percent of broken kernels or pieces (less than seven-eighths of a whole kernel), and less than one percent by weight of inedible kernels, all of which are well dried, clean, and free (less than one-tenth of one percent) from pieces of shell, hull, or other foreign material.

(e) *Replacement by control board.* Any sums collected through default of a handler on his bond shall be used by the control board to purchase from handlers, as provided herein, a quantity of almonds not to exceed the total quantity represented by the sums collected. Purchases shall be made from the salable percentages with respect to which the surplus obligation has been met. If a larger quantity is offered than can be purchased the purchases shall be made in such pack or packs as the board considers most desirable to acquire for purposes of surplus disposal, at the lowest prices at which such pack or packs are offered. The purchases shall be made from the various handlers as nearly as practicable in proportion to the quantity of their respective offerings (at the same price) of the pack or packs to be purchased.

(f) *Disposition of excess funds.* Any unexpended sums, which have been collected by the control board through default of a handler on his bond, remaining in possession of the control board at the end of a crop year shall be used to reimburse the board for its expense, including administrative and other costs, incurred in the collection of such sums and in the purchase of almonds as provided in paragraph (e) of this section. Any balance remaining after reimbursement of such expenses shall be distributed as follows: In case purchases have been made of a poundage equal to that on which the default occurred, distribution shall be made only to the defaulting handler and in case the board is unable to purchase a poundage of almonds as large as that on which the default occurred, distribution shall be made among all handlers, other than the defaulting handler, in proportion to the ratio of each such handler's surplus obligation to the total surplus obligation of all such handlers for the crop year in which the default occurred. A handler who has defaulted on his bond shall be credited on his surplus obligation with that quantity of almonds represented by the sums collected on account of such default.

§ 909.67 *Payment to handlers for services rendered.* The control board may pay handlers for necessary services rendered by handlers in connection with almonds eventually disposed of as surplus including but not limited to storing, shelling, sorting, bleaching, grading, packaging, fumigating, and other services, in accordance with the schedule of payments specified in Appendix 1 (§§ 909.151 to 909.154, inclusive), or such amended or additional schedules as may be established by the Secretary which may be based upon the recommendation of the control board.

§ 909.68 *Inter-handler transfer of surplus.* For the purpose of meeting his surplus obligation, any handler may, upon notice to, and under the supervision and direction of the control board, acquire from another handler almonds with respect to which the surplus has not been withheld and any surplus obligation of the seller with respect to any almonds so transferred shall be waived, and shall be transferred to the buying handler. If any such sales were made of almonds on which the surplus obligation has been met, the seller's surplus obligation shall be reduced accordingly when the purchaser has had such almonds or a like quantity of almonds certified to the control board as surplus.

§ 909.69 *Assistance of control board in accounting for surplus.* The control board, on written request, may assist handlers in accounting for their surplus obligations and may aid any handler in acquiring almonds to meet any deficiency in a handler's surplus.

§ 909.70 *Application of salable and surplus percentages after end of crop year.* The salable and surplus percentages established for any crop year shall continue in effect with respect to all almonds for which the surplus obligation has not been previously met, which are received for his own account or handled by any handler after the end of such crop year and before salable and surplus percentages are established for the succeeding crop year. After such percentages are established for the new crop year, the withholding requirements for all such almonds theretofore received for his own account or handled during that crop year shall be adjusted to the newly established percentages.

§ 909.71 *Application of bonding rate after end of crop year.* The bonding rate established for any crop year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to § 909.66 before the bonding rate for the new crop year is established. After such bonding rate is established for the new crop year, the new rate shall be applicable and any bond or bonds theretofore given for that crop year shall be adjusted to the new rate.

§ 909.72 *Exchange of surplus almonds.* Any handler who has withheld surplus almonds pursuant to the requirements of § 909.65 and has had the same certified as surplus almonds may exchange therefor, to the extent that such almonds have not been disposed of, an equal quantity, by edible kernel weight, of other almonds. Any such exchange shall be made under the supervision and direction of the control board with appropriate inspection and certification of the almonds involved.

§ 909.73 *Adjustment upon increase of salable percentage.* Upon any increase in the salable percentage and corresponding decrease in the surplus percentage, the surplus obligation of each handler for the entire crop year to the effective date of such action shall be recomputed in accordance with such revised salable and surplus percentages. From the surplus almonds that may have been withheld by him and not yet disposed of, any handler authorized to act and acting as agent of the board in disposing of surplus pursuant to § 909.102 shall be permitted to select, under the supervision and direction of the control board, the particular surplus almonds to be restored to his salable percentage, and such restoration shall be deemed to fulfil the obligation of the board with respect to such increase.

In the case of handlers who have not been authorized to dispose of their own surpluses, and handlers who have terminated their agencies to dispose of their own surpluses, prior to an increase in the salable percentage, insofar as practicable each such handler shall be permitted to select almonds from his own surplus to be restored to his salable quantity. In the event there are not sufficient surplus almonds held by the board at the time the salable percentage is increased, to make full restoration as represented by the increase in the salable percentage, to all such handlers, the restoration to

the salable quantities of the respective handlers shall be pro rata on the basis of edible kernel weight poundage of surplus contributed by said handlers during the crop year to the date of increase of the salable percentage. However, in case a handler who has been authorized to act as agent in disposing of his surplus, has terminated such agency as of April 1, and the salable percentage is increased after such termination, the restoration to said handler's salable quantity shall not exceed the quantity of surplus turned back to the board by him at the expiration of his agency, plus any surplus which he may have contributed after termination of his agency. Such restoration to the salable quantity shall be deemed to fulfil the obligation of the board with respect to the increase in the salable percentage.

RECORDING RECEIPTS, INSPECTION, AND CERTIFICATION

§ 909.80 *Record of receipts.* For the purpose of establishing the surplus obligation and furnishing statistical information to the control board necessary for the conduct of its operations, each handler, on receiving almonds for his own account, shall issue to the person from whom so received a receipt therefor. At least two duplicates thereof shall be made at the time of issuance, one of which shall be retained by the handler as a part of his records and the other submitted to the control board as hereinafter provided. Such receipts shall be serially numbered and shall accurately show for each lot received, the identity of the handler, the name and address of the person from whom received, the number of containers in the lot, the variety, whether shelled or unshelled, and the settlement weight for each such variety. The character and amount of all adjustments deducted from the gross weight shall be shown with the gross weight on the receipt issued by the handler.

§ 909.81 *Report of receipts.* Each handler receiving almonds for his own account shall tabulate such receipts by varieties and shall submit reports thereof to the control board in such form and at such intervals as the board may prescribe for all receipts issued by him. Such reports shall be accompanied by duplicate copies of the receipts issued pursuant to the provisions of § 909.80 for all almonds included in such report. The control board, after checking such reports in such manner as it deems desirable, shall determine in the manner specified in § 909.82 the edible kernel weight of the almonds so received.

§ 909.82 *Determination of edible kernel weight*—(a) *Almonds for which settlement is made on kernel weight.* All lots of almonds, whether shelled or unshelled, for which settlement is made on the basis of kernel weight shall be included in the total edible kernel weight for any handler at the settlement weight.

(b) *Unshelled, known varieties.* Any unshelled almonds of known varieties for which settlement is made on the basis of unshelled weight shall be included in the total edible kernel weight for any handler at the settlement weight of such unshelled almonds of each known variety multiplied by the varietal shelling ratio applicable to such variety. Such varietal shelling ratios shall be those shown in Appendix 2 (§ 909.161). Such Appendix 2 may be revised or amended by the Secretary on recommendation of the control board and when so revised or amended in any crop year, unless otherwise directed by the Secretary, shall be applied to all almonds of known varieties received during that crop year.

(c) *Unshelled, mixed, and unknown varieties.* All lots of unshelled almonds for which settlement is made on the basis of unshelled weight, consisting of mixed varieties or of varieties which are unknown or not shown on the handler's reports or on the receipts issued by the handler, shall be included in the total edible kernel weight for any handler at the actual weight of the unshelled almonds multiplied by a shelling ratio of 55 percent unless the handler, at the time of the receipt of any such lot obtains at his own expense an inspection of such lot by an inspection agency. In the event of such an inspection, the edible kernel weight of such lot of almonds as shown by such inspection shall be used. When such an inspection is made, a copy of the inspection report shall be attached to the copy of the grower receipt for such lot submitted by the handler to the control board as part of his report specified in § 909.81.

§ 909.83 *Redetermination of edible kernel weight.* The control board, on the basis of reports by handlers as required in §§ 909.111 through 909.115 together with its records of almonds certified as surplus, shall redetermine the edible kernel weight of all almonds received by the respective handlers for their own accounts during the respective crop year (and on which surplus has not been contributed by a previous handler) through each of the following dates: December 31, March 31, and June 30. In determining the edible kernel weight of salable unshelled almonds on which delivery has been effected as reported under provisions of § 909.112 or in the carryover as reported under provisions of § 909.111 the shelling ratios specified in § 909.82 shall be used. The weight of salable shelled almonds on which delivery has been effected, the weight of kernels used by the handler for manufactured products, and the weight of shelled almonds in the carryover shall be used in determining the edible kernel weight of shelled almonds. The edible kernel weight of certified surplus as determined at time of certification shall be used with respect to such surplus. If upon the foregoing computations of the total edible kernel weight of almonds received by a handler for his own account during a portion of the crop year or the entire crop year based on such reports made by the handler and such verification thereof as the board or the Secretary makes as provided in § 909.114 the edible kernel weight is found to differ from that determined in the manner specified in § 909.82 appropriate adjustments shall be made in the recorded total edible kernel weight of almonds received by such handler for his own account, and such revised total, after taking into consideration any almonds which have contributed to surplus in the hands of a previous holder, shall be the basis for the determination of such handler's revised surplus obligation. The determination of the board based on the handlers' reports, the examination of their records, and the board's records of certified surplus shall be final. Such examination or audit of handlers' records as the board makes shall be at the board's expense and under uniform procedure.

§ 909.84 *Inspection and certification of surplus almonds.* It shall be the duty of each handler to cause an inspection to be made of all almonds withheld by him in satisfaction of his surplus obligation to determine whether such almonds meet the grade requirements specified in § 909.65 (b). Such inspection shall be made by the inspection agency, and the cost thereof shall be paid by the handler. A report of such inspection shall be issued which shall show, in addition to such other requirements as the control board may specify, the identity of the handler, the kind and number of containers in the lot and any brand or labels, the variety of almonds in the lot, whether shelled or unshelled, the weight of edible kernels contained in the lot, the weight of inedible kernels, if any, contained in the lot, and that such lot meets the grade requirements for surplus almonds. Copies of such reports shall be furnished to the handler and the control board.

DISPOSITION OF SURPLUS

§ 909.100 *Prohibition on the handling of surplus.* Except as provided in §§ 909.101 and 909.102 surplus almonds withheld pursuant to the requirements of § 909.65 shall not be handled by any person.

§ 909.101 *Conditions governing disposition of surplus*—(a) *General.* The control board shall have power and authority to sell or dispose of any and all surplus almonds withheld upon the best terms and at the highest return obtainable consistent with the ultimate complete disposition of surplus, subject to all conditions of this section.

(b) *Disposition of surplus for export.* Sales of surplus almonds for export to destinations outside the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only on execution of an agreement to prevent sale within or reimportation into the United States; and in case of export to Canada or Mexico, such almonds shall be sold only on the basis of a delivered price, duty paid.

(c) *Exclusion from domestic normal trade channels.* No surplus almonds shall be sold in the United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone other than to governmental agencies or to charitable institutions for charitable purposes, except for diversion into almond oil, almond butter, poultry or animal feed, or into other channels which the control board finds are noncompetitive with existing normal markets for almonds, and with proper safeguards in each case to prevent such almonds thereafter entering the channels of trade in such normal markets.

(d) *Time restriction on disposition.* The control board shall not dispose of, or authorize the disposition of, more than 50 percent of the surplus almonds prior to May 15 of any crop year unless disposition in excess of 50 percent is made pursuant to paragraph (b) of this section or unless the salable percentage is increased pursuant to § 909.63.

(e) *Disposition after August 1.* Any surplus almonds remaining unsold as of August 1 shall be disposed of by the board as soon as practicable through the most readily available outlets within the limitations of paragraph (c) of this section.

§ 909.102 *Disposition by handler.* Upon request of a handler, made prior to the delivery by him of any surplus to the board in any crop year, the board shall authorize such handler to act as agent of the board, upon such reasonable terms and conditions as the board may specify and subject to the conditions of § 909.101 in disposing of the surplus contributed by such handler for that crop year. Any handler who is authorized to dispose of his surplus may, through arrangement with another handler, dispose of such surplus through such other handler. In the latter instance, the second handler shall also be subject to the conditions of § 909.101. It shall be the obligation of any handler authorized to dispose of such surplus to effect disposition thereof in accordance with all applicable requirements and conditions. The proceeds of such disposition shall be retained by the handler making the disposition, except that, in case he disposes of the surplus of another handler, the proceeds from that disposition shall be divided between the two handlers on the basis of a mutual agreement. Such authorization shall expire as of August 1 of the next crop year, and any surplus then remaining undisposed of by the handler shall be returned to the board. Any handler who has been authorized to act as agent of the board in disposing of his surplus may terminate such agency as of April 1 of the particular crop year by giving written notice to the board to that effect not later than the previous March 20, in which event such handler shall return to the board, for disposition by it, all surplus almonds remaining in his possession. In case a handler does not terminate his agency as of April 1, he shall be required to continue to serve as such agent until August 1 of the next crop year. The board shall not terminate such an agency prior to August 1 unless the agent violates the terms and conditions specified by the board or other provisions of the order. During the period of such agency the board, as principal, shall not dispose of the surplus contributed by said agent.

§ 909.103 *Disposition of proceeds from sales of surplus*—(a) *Pools.* Surplus from almonds received by handlers for their own accounts during any crop year, other than surplus disposed of by handlers as agents of the board as authorized in § 909.102, shall be disposed of by the control board in three pools as follows: Pool No. 1—surplus delivered to the board during a crop year up to April 1 and disposed of during that period; Pool No. 2—surplus delivered to the board from April 1 to July 31, inclusive, and disposed of during that period, including, in addition to deliveries by handlers not acting as agents, deliveries by handlers who terminate their agencies as of April 1, and also any surplus from Pool No. 1 which was not disposed of prior to April 1, but which is disposed of prior to August 1; and Pool No. 3—all surplus held unsold by the board on August 1, including, in addition to any surplus turned over to it by handlers whose agencies expired on August 1, any surplus from Pool No. 1 and Pool No. 2 which was not disposed of by the board prior to August 1.

(b) *Expenses.* Direct expenses incurred by the control board in the maintenance and disposition of surplus almonds in each respective pool shall be charged against the proceeds of sales of the almonds in that pool.

(c) *Distribution to handlers.* Net proceeds from the disposition of surplus almonds in each of the three pools shall be distributed by the board to each handler having an interest in that pool in proportion to his relative contribution thereto in terms of edible kernel weight. In the case of a carryover from one pool to another pool, the board shall allocate the interests of the appropriate handlers therein on the basis of their respective total deliveries of almonds, in terms of edible kernel weight, to the board during the pool period in connection with which such carryover first originated.

REPORTS, BOOKS, AND RECORDS

§ 909.111 *Reports of handler carryover.* On or before January 15, April 15, and July 15 of each crop year every handler shall file with the control board a written report, under oath, of his carryover of all almonds by variety, showing whether unshelled or shelled and the number and type of containers and weight as of December 31, March 31, and June 30, respectively.

§ 909.112 *Reports of almonds sold and delivered.* On or before January 15, April 15, and July 15 of each crop year every handler shall file with the control board a written report, under oath, of all his sales of almonds by variety, showing whether unshelled or shelled and whether salable or surplus, and the weight on which delivery has been effected during the crop year, as of December 31, March 31, and June 30, respectively, including therein any manufactured products (whether or not sold) at their equivalent in terms of raw shelled almonds.

§ 909.113 *Other reports.* Upon the request of the control board, made with the approval of the Secretary, every handler shall furnish to the control board in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for in this part) such other information as will enable the control board to perform its duties and exercise its powers hereunder.

§ 909.114 *Verification of reports.* For the purpose of checking and verifying reports made by handlers to it, the Secretary or the control board through its duly authorized agents shall have access to the handler's premises wherever almonds may be held by such handler, and at any time shall be permitted to inspect any almonds so held by such handler and any and all records of the handler with respect to the holding or disposition of all almonds which may be held or which may have been disposed of by such handler. Every handler shall furnish all labor necessary to facilitate such inspections as the control board or the Secretary may make of such handler's holdings of any almonds.

§ 909.115 *Confidential information.* All reports and records furnished or submitted by handlers to the board which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received shall be received by and at all times kept in the custody and under the control of one or more employees of the board, who shall disclose such information to no person except the Secretary. Notwithstanding the above provisions of this paragraph, information may be disclosed to the board when necessary to enable the board to carry out its functions hereunder.

EXPENSES AND ASSESSMENTS

§ 909.120 *Expenses.* The control board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the control board and for such purposes as the Secretary may, pursuant to the provisions hereof, determine to be appropriate. The recommendation of the control board as to the expenses for each such year, together with all data supporting such recommendation, shall be submitted to the Secretary on or before August 1 of the crop year in connection with which such recommendation is made: *Provided*, That if the program is not made effective early enough to permit making such recommendation prior to August 1 of the initial crop year such recommendation shall be submitted within 15 days after the effective date of this program. The funds to cover such expenses shall be acquired by levying assessments as hereinafter provided.

§ 909.121 *Assessments*—(a) *Requirement for payment.* Each handler shall pay to the control board on demand by the board, from time to time, the sum of two-tenths of a cent for each pound of edible almond kernels received by him for his own account (except as to receipts from other handlers on which assessments had been paid) after the effective date hereof. In the event adequate records are not available at any time to show all almonds received by a handler during a crop year, or any part thereof, and his surplus obligation is determined under the alternate provision of § 909.65 (a), the assessment herein specified shall be based upon such handler's total salable and surplus almonds measured by edible kernel weight. Upon redetermination of edible kernel weight of almonds received by handlers for their own

account as provided in § 909.83, such redetermined edible kernel weight for each handler shall be the basis upon which he shall pay assessments at the aforesaid rate. At any time during or after a crop year, the Secretary may increase the rate of assessment to apply to all such almonds during such crop year to secure sufficient funds to cover the expenses authorized by § 909.120 or by any later finding by the Secretary relative to the expenses of the control board, and such additional assessments shall be paid to the control board by each handler on demand.

(b) *Refunds.* Any money collected as assessments during any crop year and not expended in connection with the respective crop year's operations hereunder may be used and shall be refunded by the control board in accordance with the provisions hereof. Such excess funds may be used by the control board during the period of four months subsequent to such crop year in paying the expenses of the control board incurred in connection with the new crop year. The control board shall, however, from funds on hand, including assessments collected during the new crop year, distribute or make available, within five months after the beginning of the new crop year, the aforesaid excess to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of assessments paid by all handlers during said crop year.

(c) *Disposition of funds upon termination.* Any money collected from assessments hereunder and remaining unexpended in possession of the control board upon the termination hereof shall be distributed in such manner as the Secretary may direct.

MISCELLANEOUS PROVISIONS

§ 909.131 *Personal liability.* No member or alternate member of the control board, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent, or employee, except for acts of dishonesty.

§ 909.132 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 909.133 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 909.134 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon its termination except with respect to acts done under and during its existence.

§ 909.135 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 909.136 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, as well as any amendments hereto, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways hereinafter specified in this section.

(b) *Suspension or termination*—(1) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions hereof, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(2) *When favored by growers.* The Secretary shall terminate the provisions hereof at the end of any crop year whenever he finds that such termination is favored by a majority of the growers of almonds who during that crop year have been engaged in the production for market of almonds in the State of California: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such almonds produced for market within said State; but such termination shall be effected only if announced on or before June 1 of the then current crop year.

(3) *If enabling legislation is terminated.* The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination*—(1) *Designation of trustees.* Upon the termination of the provisions hereof, the members of the control board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the control board, of all funds and property then in the possession or under the control of the board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) *Duties of trustees.* Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the control board and the joint trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the control board or the joint trustees pursuant hereto.

(3) *Obligations of persons other than board members and trustees.* Any person to whom funds, property, or claims have been transferred or delivered by the control board or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said board and upon the said joint trustees.

§ 909.137 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 909.138 *Amendments.* Amendments hereto may be proposed, from time to time, by any person or by the control board.

APPENDIX 1—SCHEDULE OF PAYMENTS TO HANDLERS FOR SERVICES RENDERED IN CONNECTION WITH SURPLUS ALMONDS

[Rates are expressed in dollars per ton of 2000 lbs.]

§ 909.151 *Storage.* Handlers shall be paid for storing almonds beginning on the day on which any handler has surplus almonds certified and shall continue so long as the almonds are stored by the handlers for the control board. Cold storage shall be used only when specified by the control board. Payments per ton shall be as follows:

	First month	Per month thereafter
Dry storage:		
Unshelled	$2.90	$1.15
Shelled	1.75	.70
Cold storage:		
Unshelled	5.00	2.50
Shelled	7.00	3.00

These storage rates include piling, holding, and tearing down piles.

§ 909.152 *Fumigation.* Handlers shall be paid the actual cost of fumigating almonds, but not to exceed $1.00 per ton for unshelled and $.60 per ton for shelled almonds. Each such fumigation must be approved by the control board.

§ 909.153 *Packaging in new burlap bags.* Handlers must provide suitable containers for storing surplus almonds, but when the control board requires packaging in new burlap bags, handlers shall be paid for such packaging as follows:

Unshelled—actual cost of the burlap bags plus $2.00 per ton for labor; and

Shelled—actual cost of the burlap bags and liners plus $2.00 per ton for labor.

§ 909.154 *Processing costs.* The processing costs hereinafter enumerated shall be paid to handlers only when such work is authorized by the board. Handlers shall be paid their actual expenses for grading and bleaching unshelled almonds, but not to exceed $5.25 per ton. Handlers shall be paid the actual cost of shelling and sorting almonds but not to exceed $10.00 per ton of kernels for

shelling the Nonpareil variety, $15.00 per ton of kernels for shelling any other variety, and $20.00 per ton for the sorting of any variety to produce a sheller run grade.

APPENDIX 2—VARIETAL SHELLING RATIOS APPLICABLE TO UNSHELLED ALMONDS

§ 909.161 *Varietal shelling ratios applicable to unshelled almonds.* The varietal shelling ratios applicable to unshelled almonds for determination of edible kernel weight are as follows:

Major varieties	*Percent*
Nonpareil	60
Jordanolo	60
Ne Plus Ultra	50
IXL	50
Mission	40
Drake	40
Peerless	35
Minor varieties	
King	60
California (California Papershell)	60
Princess	60
Bigelow	55
Harpareil	55
Rivers	55
Eureka	54
Klondike	54
Baker	53
Trembath	53
Oakley	52
Silvershell	51
Long IXL	50
Harriott	50
Commercial	49
Frost Proof	49
Smith (Smith's XL)	48
Routier	48
La Marie	48
La Prima	48
Lewelling (Lewelling's Prolific)	47
Proctor	47
Barclay	47
Fairoaks	47
Batham	46
Reams	44
Sellers	43
Marcona	42
Queen	42
Jubilee	42
Walton	41
Gilt Edge	40
Standard	38
Golden State	38
French Languedoc (Cartagena)	37
Languedoc	37
Hampton	36
Sultana	36
La France	33
Tarragona	33
Philopena	32
Grosse Tender	32
Hardshell	30
Almendro	30
Bidwell	30
Jordan	30
King George	30

[F. R. Doc. 50-5828; Filed, July 5, 1950; 8:49 a. m.]

[7 CFR, Part 909]

[Docket No. AO-214]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS AND DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM, AND DETERMINING REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 63 Stat. 282; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among producers of almonds grown in California who, during the period July 1, 1949, through June 30, 1950 (which period is hereby determined to be the representative period for the purpose of this referendum), were engaged, in the State of California, hereinafter referred to as the "production area," in the commercial production of almonds to determine whether such producers favor the issuance of an order[1] regulating the handling of almonds grown in said State.

(a) For the purpose of such referendum:

(1) "Person" means any individual, partnership, corporation, association, legal representative, or other business unit.

(2) "Producer" means any person who: (i) Owns and farms land in the production area, resulting in his ownership of almonds produced thereon; (ii) rents and farms land in the production area, resulting in his ownership of all or a portion of the almonds produced thereon; or (iii) owns land in the production area which he does not farm and, as rental for such land, obtains the ownership of a portion of the almonds produced thereon. Persons owning land in the production area and obtaining cash rent therefor, and persons acquiring, in any manner other than as hereinbefore set forth, legal title to almonds grown on such land shall not be deemed to be producers.

(3) Each producer shall be entitled to only one vote in this referendum: *Provided*, That (i) a husband and wife, a father and son or sons operating a farm and producing almonds on a partnership basis, and any other business unit (whether a partnership or a corporation), are deemed to be single business units and as such entitled to only one vote; (ii) in a landlord-tenant or joint tenant relationship, in which each of the parties receives a share of the product in kind, each shall be entitled to vote and to vote his respective share of the product; (iii) a cooperative association of producers, bona fide engaged in marketing almonds or in rendering services for or advancing the interests of the producers of almonds, may, if it elects to do so, vote for the producers who are members of, or stockholders in, or under contract with, such association.

(4) Any individual casting a ballot in this referendum on behalf of a producer shall, when required by the agents, submit, with the ballot, evidence of his authority to cast such ballot, except that such evidence shall be submitted with each ballot cast on behalf of a corporation or cooperative association of producers.

(b) The following employees of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly or severally, under the direction and supervision of the Director, Fruit and Vegetable Branch, the functions in connection with the referendum: Harry J. Krade, Representative, Western Marketing Field Office, 921 Tenth Street, Sacramento, California, and J. W. Park, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2523, South Agricultural Building, Washington, D. C.

(c) Such agents shall:

(1) Conduct the referendum in the manner herein prescribed, by giving an opportunity to producers who, during the representative period determined by the Secretary, have been engaged, within the specified production area, in the production for market of almonds, to cast their ballots relative to the issuance of such order.

(2) Determine the time of commencement and termination of the period of the referendum, and the time prior to which all ballots must be cast.

(3) Determine whether ballots may be cast by mail, at polling places, at meetings of producers, or by any combination of the foregoing.

(4) Give reasonable advance notice of this referendum (i) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the production area, announcing the dates, places, methods of voting, eligibility requirements, and other pertinent information, and (ii) by such other means as said agents may deem advisable.

(5) Make available to producers, or to cooperative associations of producers, copies of the text of the proposed order or amendment, instructions on voting, and appropriate ballot and other necessary forms.

(6) In the event such agents determine the ballots may be cast by mail, cause a copy of the appropriate ballot form, instructions for executing and casting the ballot, and a copy of the text of the proposed order to be mailed to each of the aforesaid producers and cooperative associations of producers whose names and addresses are known.

(7) In the event such agents determine that ballots may be cast at polling places, determine the necessary number of polling places and designate and announce such polling places; and the hours during which each such polling place will be open: *Provided*, That all such polling places shall remain open at least four consecutive daylight hours during each day announced.

(8) In the event such agents determine that ballots may be cast at meetings of producers, determine the necessary number of meeting places; and designate and announce such meeting places, and the time of each such meeting.

(d) Said agents may appoint any person or persons deemed necessary or desirable to assist said agents in performing their functions hereunder. Each person so appointed shall serve without compensation and may be authorized by said agents to perform, in accordance with the requirements herein set forth, any or all of the following functions

[1] See F. R. Document 50-5828, *supra*.

(which, in the absence of such appointment of subagents, shall be performed by said agents):

(1) Give public notice of the referendum in the manner specified herein;

(2) Preside at a meeting of producers or as poll officer at a polling place;

(3) Distribute ballots and the aforesaid texts to producers and receive any ballots which are cast; and

(4) Obtain the name and address of each person receiving or casting a ballot and inquire into the eligibility of such person to vote in the referendum.

(e) Said agents and their appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, or if a ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefor, and the results of any investigations made with respect thereto.

(f) At the conclusion of the referendum, the agents shall prepare for, and submit to, the Fruit and Vegetable Branch the following:

(1) All ballots received by the agents and appointees, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and received by such persons during the referendum period;

(2) A list of all challenged ballots; and

(3) A detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

(g) The Director, Fruit and Vegetable Branch, may designate any of the said agents to serve as an agent-in-charge to receive the material specified in paragraph (f) hereof. Each such agent-in-charge shall canvass the ballots and list them. The original tabulation shall then be forwarded, together with the ballots and other required documents, to the Director, Fruit and Vegetable Branch.

(h) The Fruit and Vegetable Branch thereafter shall prepare and submit to the Secretary a report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(i) All ballots shall be treated as confidential and the contents of individual ballots shall not be divulged except as provided herein or as the Secretary may direct.

(j) The Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by said referendum agents and appointees in conducting said referendum.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 30th day of June 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-5876; Filed, July 5, 1950; 8:55 a. m.]

[7 CFR, Part 922]

[Docket No. AO-223]

HANDLING OF IRISH POTATOES GROWN IN CENTRAL NEBRASKA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Kearney, Nebraska on May 1-2, 1950, pursuant to notice thereof in the FEDERAL REGISTER (15 F. R. 2109, 2228), upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the counties of Phelps, Loup, Garfield, Custer, Valley, Greeley, Sherman, Howard, Hall, Buffalo, Dawson, and Kearney in Nebraska.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Assistant Administrator, production and Marketing Administration, on June 8, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (15 F. R. 3687). No exceptions to the recommended decision have been filed.

The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 50-5060; 15 F. R. 3687) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Irish Potatoes Grown in Central Nebraska" and "Order Regulating the Handling of Irish Potatoes Grown in Central Nebraska" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order, which will be published with this decision.

Done at Washington, D. C., this 30th day of June 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Irish Potatoes Grown in Central Nebraska

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

AUTHORITY: §§ 922.0 to 922.92, inclusive, issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051.

§ 922.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Kearney, Nebraska, on May 1–2, 1950, upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the counties of Phelps, Loup, Garfield, Custer, Valley, Greeley, Sherman, Howard, Hall, Buffalo, Dawson, and Kearney in Nebraska. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) All handling of potatoes grown in the production area is either in interstate or foreign commerce or directly burdens, obstructs, or affects such commerce;

(2) The order, as hereinafter set forth, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in the production area, specified in this order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such Irish potatoes as will be in the public interest;

(3) Such order regulates the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(4) This order is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of the production area specified in this order would not effectively carry out the declared policy of the act; and

(5) The said order prescribes, so far as practicable, such different terms, applicable to different parts of such production area, as are necessary to give due recognition to the difference in the production and marketing of such Irish potatoes.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof the handling of potatoes as defined in this order, shall be in conformity to and in compliance with the terms and conditions of this order; and the terms and conditions of said order are as follows:

DEFINITIONS

§ 922.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer, or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 922.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

§ 922.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 922.4 *Production area.* "Production area" means all territory included within the Counties of Phelps, Loup, Garfield, Custer, Valley, Greeley, Sherman, Howard, Hall, Buffalo, Dawson, and Kearney in Nebraska.

§ 922.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 922.6 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 922.7 *Ship.* "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of commerce within the production area, or between the production area and any point outside thereof: *Provided,* That the definition of "ship" or "handle" shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area to a recognized dealer or packer within the production area for the purpose of having such potatoes prepared for market.

§ 922.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 922.9 *Fiscal year.* "Fiscal year" means the period beginning on March 1 of each year and ending on the last day of February following.

§ 922.10 *Committee.* "Committee" means the Central Nebraska Potato Committee, established pursuant to § 922.22.

§ 922.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 922.12 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State of Nebraska or such other seed certification agencies as the Secretary may designate.

§ 922.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 922.14 *Pack.* "Pack" means a unit of potatoes contained in a bag, crate, or other type of container and falling within specific weight limits recommended by the committee and approved by the Secretary.

§ 922.15 *Grade.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon;

(b) The United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon.

§ 922.16 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 922.17 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 922.24.

§ 922.18 *Part and subpart.* "Part" means the order regulating the handling of Irish potatoes grown in the production area, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such "part."

COMMITTEE

§ 922.22 *Establishment and membership.* (a) The Central Nebraska Potato Committee, consisting of 8 members of whom 6 shall be producers and 2 shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Persons selected as committee members or alternates to represent producers shall be individuals who are pro-

ducers, or officers or employees of a corporate producer, in the respective district for which selected and residents therein. Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers, or officers or employees of a corporate handler in the production area.

§ 922.23 *Term of office.* (a) The term of office of committee members and alternates shall be two fiscal years: *Provided*, That the terms of office of one-half of the initial members and their respective alternates shall be one fiscal year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 922.24 *Districts.* (a) For the purpose of selecting producer committee members and alternates, the following districts of the production area are hereby established:

District No. 1. Dawson County.
District No. 2. Buffalo County.
District No. 3. Hall County.
District No. 4. All the remaining counties within the production area.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided*, That in recommending any such changes in districts or representation the committee shall give consideration to: (1) The relative importance of new areas of production; (2) changes in the relative position, with respect to production, of existing districts; (3) the geographic locations of areas of production, insofar as they affect the efficiency of administering the marketing agreement and order; and (4) other relevant factors: *Provided further*, That there shall be no change in the total number of committee members and alternates, or in the total number of districts.

§ 922.25 *Nomination.* The Secretary may select the members of the committee and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for initial committee members and alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(b) In order to provide nominations for succeeding committee members and alternates:

(1) The committee shall hold or cause to be held prior to January 1 of each year, after the effective date of this subpart, a meeting or meetings of producers in each of the districts designated in § 922.24, in which producer committee vacancies will occur at the end of the then current fiscal year. In like manner, the committee shall hold or cause to be held prior to January 1 of each year, after the effective date of this subpart, a meeting or meetings of handlers to nominate handler committee members and alternates to fill vacancies which will occur at the end of the then current fiscal year.

(2) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant or which is to become vacant at the end of the then current fiscal year.

(3) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year.

(4) Only producers may participate in designating nominees for producer committee members and alternates and only handlers may participate in designating nominees for handler committee members and alternates. For the purpose of designating nominees for handler committee members and alternates, a handler shall be considered to be a person who produces not more than 50 percent of the total volume of potatoes handled by himself; each person who is both a handler and a producer may vote either as a handler or as a producer and may elect, subject to such 50 percent limitation, the group in which he votes.

(5) Each producer and each handler of potatoes is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, for producer or handler committee members and alternates, respectively: *Provided*, That producers in more than one district shall elect the district in which they will participate in nominating producer committee members and alternates: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled at a nomination meeting.

§ 922.26 *Selection.* The Secretary shall select two producer members of the committee with their respective alternates from each of Districts No. 1 and 2; and one producer member with his respective alternate from each of Districts No. 3 and 4, as such districts are defined in § 922.24. The Secretary shall select two handler members with their respective alternates from the production area. Each person selected as a handler member or alternate shall not produce more than 50 percent of the potatoes handled by himself.

§ 922.27 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 922.25, the Secretary may select the committee members and alternates without regard to nominations, which selection shall be on the basis of the representation provided for in § 922.26.

§ 922.28 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 922.29 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected from nominations made in the manner specified in § 922.25, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in § 922.26.

§ 922.30 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 922.31 *Procedure.* (a) Five members of the committee shall be necessary to constitute a quorum, and five concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meetings by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That all votes shall be cast in person at assembled meetings.

§ 922.32 *Expenses and compensation.* Committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part.

§ 922.33 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 922.34 *Duties.* It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To select a chairman and such other officers for each fiscal period as may be necessary, to select subcommittees of committee members and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(c) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(d) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing

conditions with respect to potatoes, and to engage in such research and service activities, which relate to the handling or marketing of potatoes, as may be approved by the Secretary;

(e) To furnish to the Secretary such available information as he may request;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To recommend the rate of assessment to cover the expenses set forth in the budget;

(h) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES, ASSESSMENTS, AND BUDGETS

§ 922.40 *Budget.* The committee shall prepare a budget for each fiscal year, showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall transmit such budget to the Secretary, together with a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 922.41 *Expenses.* The committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget, or other available information, finds may be necessary during each fiscal year to perform its functions under this part and for such other purposes as may be appropriate pursuant to the provisions of this part.

§ 922.42 *Rate of assessment.* The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate fixed by the Secretary, upon the basis of the committee's recommendation, or other available information. Each handler who first ships potatoes shall pay assessments to the committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year. Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handler thereof, during the same fiscal year.

§ 922.43 *Increasing rate of assessment.* Upon recommendation of the committee, or upon the basis of a later finding relative to the committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

§ 922.44 *Accounting.* If at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 922.45 *Funds.* All funds received by the committee, pursuant to any provision of this part, shall be used solely for the purposes specified in this part and shall be accounted for in the following manner:

(a) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(b) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 922.46 *Collection of funds.* (a) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(b) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

REGULATION

§ 922.50 *Marketing policy preparation.* At the beginning of each fiscal year the committee shall consider and prepare a proposed policy for the marketing of potatoes during such fiscal year. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes, giving appropriate consideration to:

(a) Market prices of potatoes, including prices by grade, size, and quality, and in different packs;

(b) Supply of potatoes, by grade, size, and quality, in the production area and in other production areas;

(c) The trend and level of consumer income; and

(d) Other relevant factors.

§ 922.51 *Marketing policy report.* (a) The committee shall submit to the Secretary a report setting forth the aforesaid marketing policy; a copy of such report shall be made available to producers and handlers.

(b) In the event it becomes advisable to deviate from such marketing policy, because of changed supply or demand conditions, the committee shall formulate a new marketing policy in the manner outlined in § 922.50, which shall be submitted to the Secretary and made available to producers and handlers.

§ 922.52 *Recommendation for regulations.* The committee shall recommend regulation to the Secretary whenever it finds that such regulation, as provided in § 922.53, will tend to effectuate the declared policy of the act. The committee may also recommend modification, suspension, or termination of regulations in order to facilitate shipments of potatoes for the specified purposes set forth in § 922.54.

§ 922.53 *Issuance of regulations.* The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or quality of any or all varieties of potatoes during any period; or

(b) Regulate the shipment of particular grades, sizes, or quality of potatoes differently for different varieties, for different portions of the production area, for different packs, or any combination of the foregoing, during any period; or

(c) Regulate the shipment of potatoes by establishing and maintaining, in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 922.54 *Modification, suspension or termination.* The Secretary, whenever he finds upon the basis of recommendations and information submitted by the committee, or other available information, that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 922.42, 922.43, 922.53, 922.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes:

(a) For seed;

(b) For export;

(c) For distribution by the Federal Government;

(d) For manufacture or conversion into specified products;

(e) For distribution by relief agencies, or for consumption by charitable institutions;

(f) For livestock feed;

(g) For other purposes which may be specified.

§ 922.55 *Minimum quantity regulation.* The Secretary may establish, upon the basis of a committee recommendation, or other available information, for any or all portions of the production area, minimum quantities be-

low which shipments will be free from regulations issued or in effect pursuant to §§ 922.42, 922.43, 922.53, 922.65, or any combination thereof.

§ 922.56 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued, or of any modifications, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 922.57 *Safeguards.* (a) The committee may recommend and the Secretary, upon the basis of such recommendation, or other available information, may prescribe adequate safeguards to prevent shipments effected pursuant to §§ 922.54 and 922.55, from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to §§ 922.54 and 922.55;

(2) Handlers shall obtain inspection required by § 922.65, or pay the pro rata share of expenses provided by § 922.42, or both, in connection with potato shipments effected under the provisions of §§ 922.54 and 922.55: *Provided,* That such inspection, or payment of expenses, or both may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under provisions of §§ 922.54 and 922.55.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that potatoes shipped by him for the purposes stated in §§ 922.54 and 922.55 were handled contrary to the requirements applicable thereto.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 922.65 *Inspection and certification.* During any period in which shipments of potatoes are regulated pursuant to the provisions of §§ 922.42, 922.43, or 922.53, or any combination thereof, no handler shall ship potatoes unless, prior thereto, such shipment was inspected by an authorized representative of the Federal Inspection Service, or such other inspection service as the Secretary shall designate. Each handler procuring inspections pursuant to this section, shall make arrangements with the inspecting agency to forward promptly to the committee a copy of the inspection certificate: *Provided,* That the regrading, resorting, repacking, or other further preparation of inspected potatoes for market shall invalidate prior inspection thereon and subsequent shipment of such potatoes after regrading, resorting, repacking, or other preparation for market shall not be effected unless, prior thereto, such shipment is inspected as provided in this section.

EXEMPTIONS

§ 922.70 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers.

§ 922.71 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 922.53, he will be prevented from handling, or causing to be handled, as large a proportion of his production as the average proportion of production handled, or caused to be handled, during the entire season by all producers in said applicant's immediate area of production, and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each such certificate shall permit the producer to handle, or cause to be handled, the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(b) The committee shall be permitted, at any time, to make a thorough investigation of any producer's claim pertaining to exemptions.

§ 922.72 *Appeal.* If an applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 922.73 *Records and reports and review of exemptions.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such additional information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 922.70, 922.71, 922.72, or any combination thereof.

MISCELLANEOUS PROVISIONS

§ 922.80 *Reports.* Upon the request of the committee, with the approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this part. The Secretary shall have the right to modify, change, or rescind any requests for reports made pursuant to this section.

§ 922.81 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part, and no handler shall ship potatoes except in conformity to the provisions of this part.

§ 922.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 922.83 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 922.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided,* That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if anounced on or before February 1 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever

the provisions of the act authorizing them cease to be in effect.

§ 922.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of, or under control of, the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 922.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart, or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart, or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart, or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 922.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 922.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 922.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modifications of the rights of the Secretary, or of the United States, to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 922.90 *Personal liability.* No member or alternate member of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 922.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 922.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

[F. R. Doc. 50-5829; Filed, July 5, 1950; 8:49 a. m.]

[7 CFR, Part 922]

[Docket No. AO 223]

HANDLING OF IRISH POTATOES GROWN IN CENTRAL NEBRASKA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DESIGNATION OF AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), it is hereby directed that a referendum be conducted among producers who, during the period March 1, 1949, through February 28, 1950 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged within the counties of Phelps, Loup, Garfield, Custer, Valley, Greeley, Sherman, Howard, Hall, Buffalo, Dawson, and Kearney in Nebraska in the production of Irish potatoes for market, to ascertain whether such producers favor or approve the issuance of a marketing order regulating the handling of Irish potatoes grown in Central Nebraska. The order on which the referendum is to be conducted is annexed to the decision[1] of the Secretary filed simultaneously herewith.

A. C. Cook, R. P. Callaway, H. C. Hess, and W. D. Mathias of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents to conduct such referendum. Such agents shall, jointly or severally, perform their functions subject to, and at the direction of, the Director of the Fruit and Vegetable Branch, Production and Marketing Administration.

[1] See F. R. Doc. 50-5829, *supra*.

(1) Such agents shall: (a) Conduct said referendum in the manner herein prescribed by giving opportunity to each of the aforesaid producers to cast his ballot in the manner herein authorized relative to the aforesaid order on forms furnished by the Department of Agriculture. A cooperative association of producers, bona fide engaged in marketing potatoes grown in the aforesaid designated counties in the State of Nebraska, or in rendering services for or advancing the interests of the producers of such potatoes may vote for the producers who are members of, stockholders in, or under contract with such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such producers. Any individual casting a ballot in such referendum on behalf of another person or a corporation or cooperative association of producers shall submit with the ballot evidence of his authority to cast such ballot.

(b) Determine the time of commencement and termination of the period of the referendum, and the time prior to which all ballots must be cast.

(c) Determine whether ballots may be cast by mail, at polling places, at meetings of producers, or by any combination of the foregoing.

(d) Give reasonable advance notice of the referendum (i) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the production area, announcing the dates, places, methods of voting, eligibility requirements, and other pertinent information and (ii) by such other means as said agents may deem advisable.

(e) Make available to producers copies of the text of the order, instructions on voting, and appropriate ballot and other necessary forms.

(f) In the event such agents determine that ballots may be cast by mail, cause a copy of the appropriate ballot form, instructions for executing and casting the ballot, and a copy of the text of the order to be mailed to the aforesaid producers and cooperative associations of producers whose names and addresses are known.

(g) In the event such agents determine that ballots may be cast at polling places, determine the necessary number of polling places and designate and announce such polling places; and the hours during which each such polling place will be open: *Provided*, That all such polling places shall remain open at least four (4) consecutive daylight hours during each day announced.

(h) In the event such agents determine that ballots may be cast at meetings of producers, determine the necessary number of meeting places; and designate and announce such meeting places, and the time of each such meeting.

(2) Said agents may appoint any county agricultural agent and any member or members of a county Production and Marketing Administration Committee in the aforesaid designated counties

in the State of Nebraska, and any other person or persons deemed necessary or desirable to assist said agents in performing their functions hereunder. Each person so appointed shall serve without compensation and may be authorized by said agents to perform, in accordance with the requirements herein set forth, any or all of the following functions (which, in the absence of such appointment of subagents, shall be performed by said agents):

(a) Give public notice of the referendum in the manner specified herein;

(b) Preside at a meeting of producers or act as poll officer at a polling place;

(c) Distribute ballots and the aforesaid texts to producers and receive any ballots which are cast; and

(d) Obtain the name and address of each person receiving or casting a ballot and inquire into the eligibility of such person to vote in the referendum.

(3) Said agents and their appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, or if a ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefor, and the results of any investigations made with respect thereto.

(4) At the conclusion of the referendum, the agents shall prepare for, and submit to, the Fruit and Vegetable Branch the following:

(a) All ballots received by the agents and appointees, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and received by such persons during the referendum period;

(b) A list of all challenged ballots; and

(c) A detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

(5) The Director, Fruit and Vegetable Branch, may designate any of the said agents to serve as an agent-in-charge to receive the material specified in paragraph (4) hereof. Each such agent-in-charge shall canvass the ballots and list them. The original tabulation shall then be forwarded, together with the ballots and other required documents, to the Director, Fruit and Vegetable Branch.

(6) The Fruit and Vegetable Branch thereafter shall prepare and submit to the Secretary a report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(7) All ballots shall be treated as confidential.

(8) The Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid marketing order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., and at the county Production and Marketing Administration office in each of the aforesaid designated counties in the State of Nebraska.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 30th day of June 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-5877; Filed, July 5, 1950; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

National Park Service

HAWAII NATIONAL PARK

REVOKING WITHDRAWAL OF CERTAIN LANDS FOR USE OF DEPARTMENT OF ARMY AND RETURNING SAME TO JURISDICTION OF SECRETARY OF INTERIOR FOR ADMINISTRATION

The order of December 3, 1940, issued pursuant to the act of July 16, 1940 (54 Stat. 761; 16 U. S. C., 1946 ed., sec. 391c), and published in the FEDERAL REGISTER of December 21, 1940 (5 F. R. 5219), withdrew the following-described lands, situated within the boundaries of Hawaii National Park, from the control and jurisdiction of the Secretary of the Interior and transferred the same to the jurisdiction and control of the Secretary of the Army for use as an Air Corps bombing target range and other military purposes:

Beginning at a place called Na Puu O Na Elemakule located at the southeast corner of the Hawaii National Park, said point being marked by a triangle on a large flat stone; thence by azimuth (Measured clockwise from true south) and distances as follows: 89° 27' 30"; 3,300 feet along the south boundary Hawaii National Park; thence 179° 27' 30"; 10,500 feet to a point on the lower slope of Hilina Pali; thence 240° 56' 04"; 11,419.3 feet along the bottom of Hilina Pali to a spike in the pahoehoe lava; thence 352° 51' 30"; 11,092 feet to a spike in the pahoehoe lava at the shore-line; thence in a southwesterly direction along the high-water line to the point of beginning; the direct azimuth and distance being 57° 49' 00"; 9,406.5 feet; containing an area of 3052.0 acres more or less.

The aforesaid order is hereby revoked and the lands described above are hereby returned to the jurisdiction of the Secretary of the Interior for administration as a part of Hawaii National Park.

Dated: June 14, 1950.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.
FRANK PACE, Jr.,
Secretary of the Army.

[F. R. Doc. 50-5807; Filed, July 5, 1950; 8:46 a. m.]

Office of the Secretary

[Order 2568]

MEMBER OF D. C. RECREATION BOARD

DELEGATION OF AUTHORITY

Pursuant to section 2 of Reorganization Plan No. 3 of 1950, the function of serving as a member of the District of Columbia Recreation Board is hereby assigned to Edward J. Kelly, Assistant Superintendent, National Capital Parks, and, in his absence or inability to function at any time, to Harry T. Thompson, Assistant Superintendent National Capital Parks.

Dated: June 20, 1950.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50-5808; Filed, July 5, 1950; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Public Notice PN 1]

ORGANIZATION

In order to conform the available information pertaining to the organization of the Board to the requirements of section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238) and to the regulations of the Administrative Committee of the Federal Register approved by the President effective October 12, 1948 (13 F. R. 5929), the organization material presently in the Organizational Regulations has been completely rewritten to reflect the present description of the Board's central and field organization.

Since this Public Notice No. 1 contains a rule of agency organization and practice, notice and public procedure is not required.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Organizational Regulations (formerly 14 CFR §§ 301.1, 302.1, and 302.2) as follows effective July 1, 1950:

1. By revoking in its entirety the section titled "Description of Organization", (formerly § 301.1), the section titled "Statement of Functions" (formerly § 302.1), and the section entitled "Functions of Offices and Bureaus" (formerly § 302.2).

2. By making and promulgating the following statement of the Board's central and field organization as Public Notice No. 1 reading as follows:

GENERAL STATEMENT

GENERAL STATEMENT

SECTION 1.1 *Creation and authority.* The Civil Aeronautics Board, as distinguished from the Civil Aeronautics Administration, is an independent agency composed of five members, appointed by the President with the confirmation of the Senate. The President annually designates one of the members as chairman and another as vice chairman. The Board, established effective June 30, 1940, pursuant to Reorganization Plans III and IV, exercises the functions of rule making (including the prescription of rules, regulations, and standards), adjudication, and investigation as prescribed in the Civil Aeronautics Act of 1938, as amended.

SEC. 1.2 *Purpose and mission.* (a) In expressing the purpose of the Congress to protect the public by providing for economic stability in the air transport industry, and in order that the public might have the continuing enjoyment of adequate and sufficient air transportation services and, at the same time, be assured of the maintenance of high standards of safety, the Civil aeronautics Act of 1938 sets forth the basic principles which guide the Board and prescribes the authority pursuant to which it discharges its responsibilities.

(b) The mission of the Board is to foster and encourage the development of an air transportation system which will be adequate for the present and future needs of the foreign and domestic commerce of the United States, the postal service and the national defense; to preserve the inherent advantages of air transportation, and to regard as in the public interest competition to the extent necessary to assure the sound development of an air transportation system adjusted to the national needs; and to regulate air commerce in such manner as to best promote its development and safety.

SEC. 1.3 *Functions.* In general, the Board performs four chief functions: (1) Regulation of the economic aspects of United States air carrier operation both domestic and international; (2) promulgation of safety standards in the form of civil air regulations; (3) investigation and analysis of aircraft accidents; (4) cooperation and assistance in the establishment and development of international and domestic air transportation. These functions are briefly described in the following paragraphs.

(a) *Economic regulation.* The Board grants or denies "certificates of public convenience and necessity" to American flag carriers for both domestic and international operation and "permits" to foreign carriers; prescribes or approves rates and rate practices of air carriers and fixes mail rate compensation; fosters the safe and expeditious transportation of mail and seeks to ensure that reasonable and adequate service to the public is rendered by air carriers, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; approves or disapproves business relationships between air carriers, including contracts, agreements, interlocking relationships, consolidations, mergers, and acquisitions of control and issues appropriate regulations for the purpose of carrying out these functions. The Board investigates upon complaint or upon its own initiative anything done or omitted to be done by any person or group in contravention of the provisions of the Civil Aeronautics Act; and takes appropriate action to enforce the act.

(b) *Safety regulation.* The Board prescribes safety rules and regulations, including standards for the issuance of airman certificates, aircraft type, production and airworthiness certificates, and air carrier operating certificates; and has the power to suspend or revoke such certificates.

(c) *Accident investigation and analysis.* The Board prescribes rules of notification and report of accidents involving civil aircraft; reviews reports of all accidents and determines, after investigation to the extent required, the probable cause of all accidents. Formal reports by the Board are made public when deemed to be in the public interest. The Board conducts special studies and research, establishing basic causative and statistical factors and prepares air safety bulletins for the purpose of reducing aircraft accidents and preventing their recurrence.

(d) *Development of civil aviation.* The Board consults with and assists the State Department in the negotiation of agreements with foreign governments for the establishment or development of air transportation, air navigation, air routes and services; keeps informed with respect to operations of foreign air lines and foreign aviation policies. The Board provides information for and coordinates with the International Civil Aviation Organization in the development of all international safety and operational standards. The Board contributes to the expense and personnel requirements of the Air Coordinating Committee, the Chairman of the Board serving at present as chairman of the Committee; provides information and advice in the Committee's examination of aviation problems and in its recommendations establishing the United States viewpoint on international and domestic aviation.

SEC. 1.4 *Offices.* The central office of the Board is located in the Department of Commerce Building, Fourteenth Street between Constitution Avenue and E Street NW., Washington 25, D. C. All meetings of the Board, unless otherwise directed by the Board, are held at the above address. The Board's field offices are located in Alaska and principal cities of the country. The location of these offices is set forth in sections 10.1, 10.2, and 10.3.

OFFICES OF MEMBERS

SEC. 2.1 *General pattern of organization.* (a) The five Members of the Board, appointed by the President, by and with the advice and consent of the Senate for six-year terms, are charged with carrying out the duties and responsibilities devolving upon the Board under the law. Action initiated pursuant to the Board's own initiative or by any document authorized or required to be filed with the Board originates in or is referred to the appropriate organizational unit for study and recommendation to the Board in accordance with the description of functions outlined hereinafter. In cases other than those in which action is taken pursuant to a final delegation of authority, or in which the responsibility is that of the Chairman (see (b) below), final action is taken by the Board. (See Public Notice No. 2 for statements of final delegations of authority.) The staff of the Board is organized into the following major organizational units, all of which report directly to the Board:

(1) Bureau of Hearing Examiners.
(2) Bureau of Economic Regulation.
(3) Bureau of Law.
(4) Bureau of Safety Regulation.
(5) Bureau of Safety Investigation.
(6) Bureau of Administration.
(7) Office of Enforcement.

(b) The Chairman of the Board is responsible for the executive and administrative functions of the Board, including functions with respect to the appointment and supervision of personnel employed under the Board; the distribution of business among such personnel and among administrative units of the Board; and the use and expenditure of funds.

(c) A Public Information Section, under the direction of a chief, is included in the Office of the Chairman, and is responsible for press and public relations, including preparation and initial distribution of news releases, periodic reports, and general information relating to the Board's activities.

BUREAU OF HEARING EXAMINERS

SEC. 3.1 *Chief Examiner.* The Chief Examiner, as director of the Bureau of Hearing Examiners, is directly responsible to the Board for the conduct and disposition of all formal proceedings before the Board arising under Title IV, VI, and X, and section 1002 of the act. The Bureau of Hearing Examiners is divided into the following organizational units:

(a) Economic Proceedings Division.

(b) Safety Enforcement Proceedings Division.

(c) Docket Section.

SEC. 3.2 *Economic Proceedings Division.* The Economic Proceedings Division coordinates all formal proceedings before the Board arising under Title IV of the act; schedules the time and place of such hearings; supervises prehearing conferences; prepares recommendations (except in those economic proceedings for the fixing of passenger, cargo, and mail rates) to the Chief Examiner or the Board respecting the disposition of such matters as require action by the Chief Examiner or the Board; and prepares the final decision pursuant to instructions from the Board.

SEC. 3.3 *Safety Enforcement Proceedings Division.* The Safety Enforcement Proceedings Division conducts and disposes of all formal proceedings under sections 602 through 609 of the act, regarding the issuance, amendment, suspension, and revocation of the various types of airman certificates, airworthiness certificates, air carrier operating certificates, production certificates, air navigation facility certificates and air agency certificates; prepares recommendations to the Chief Examiner or the Board respecting the dispositions of such matters as require action by the Chief Examiner or the Board; prepares final decisions pursuant to instructions from the Board; and supervises the activities of regional examiners.

SEC. 3.4 *Docket Section.* The Docket Section receives, dockets, and maintains all documents in formal proceedings before the Board; makes official service of notices, orders, rules, reports, and decisions upon all interested persons; and issues periodic statements and reports respecting the status of all formal proceedings.

BUREAU OF ECONOMIC REGULATION

SEC. 4.1 *Director.* The Director of the Bureau of Economic Regulation is directly responsible to the Board for interpretation of economic data and advice regarding policy and procedure to be followed in the economic regulation of domestic, overseas, and international air transportation; and supervision of the Alaska Office. In the Bureau of Economic Regulation there are the following organizational units:

(a) Accounting and Rates Division.
(b) Analyses Division.
(c) Foreign Air Transport Division.
(d) Operations Division.
(e) Tariffs and Service Division.
(f) Alaska Office.

SEC. 4.2 *Accounting and Rates Division.* The Accounting and Rates Division is responsible for the initiation and administration of the Board's program of financial, accounting, and rate regulation. This includes the receipt and analysis of periodic reports of financial and operating statistics and the preparation of recurrent statistical reports based upon such data; the administration of, and recommendation of changes in, the uniform system of accounts and the uniform system of periodic reports of financial and operating statistics; the issuance of letters of interpretation of such systems; the performance of audits of accounts of certificated air carriers, the constant review of the financial operations of all certificated air carriers; the recommending to the Board of initiation of mail-rate fixing proceedings; the preparation of financial and statistical analyses for introduction as evidence in rate-fixing proceedings and providing expert witnesses to appear in such proceedings; and the drafting of statements of tentative findings and conclusions and opinions in rate cases pursuant to instructions by the Board.

SEC. 4.3 *Analyses Division.* The Analyses Division prepares analyses of economic problems in air transportation currently requiring Board action and makes recommendations thereon; prepares exhibits for introduction into the record in formal proceedings before the Board and supplies expert witnesses to testify concerning such exhibits, analyzes exhibits prepared by parties in formal proceedings; and prepares, as directed, comprehensive economic and statistical surveys and studies relating to the development and regulation of air transportation.

SEC. 4.4 *Foreign Air Transport Division.* The Foreign Air Transport Division obtains, correlates, and analyzes comprehensive information on flight equipment, operating and traffic statistics, and financial and economic data in connection with all foreign airlines. Such information is used as a basis for studies required by the Board in connection with the granting of foreign air carrier permits. The Division also assists the Board in supplying information for use in consultations with the Secretary of State concerning the negotiation of agreements with foreign governments for the establishment or development of air navigation, including air routes and services.

SEC. 4.5 *Operations Division.* The Operations Division is concerned with the economic regulation of air transportation with respect to certain practices of air carriers. It receives, investigates, analyzes, reports, and makes recommendations to the Board with respect to: contracts affecting air transportation; requests for approval of interlocking relationships; reports of ownership of stock and other interests; reports of affiliates of air carriers; agreements between air carriers and foreign governments; agreements to be filed with the International Civil Aviation Organization as required by the Convention on International Civil Aviation; and reports required from noncertificated air carriers. It also conducts informal compliance investigations with respect to related matters set forth above.

SEC. 4.6 *Tariffs and Service Division.* The Tariffs and Service Division is responsible for matters relating to tariffs filed with the Board for conformity to the requirements of the Act and requirements established pursuant thereto, and makes recommendations regarding the fare and rate structure in such tariffs; receives and makes recommendations concerning applications by air carriers for special permission to make changes in tariffs upon less than statutory notice; and maintains a file of currently effective and proposed tariffs for public inspection. It analyzes the schedules and other service records of air carriers to determine the conformity of the air carriers' service pattern with the certificates or other service authorizations of the Board, and makes recommendations concerning such matters; receives and makes recommendations concerning notices and applications of air carriers respecting airport notices, nonstop notices, suspension of service, and exemption orders respecting service; prepares recommendations regarding applicants' showing with respect to the adequacy of airports and applications for certificates for feeder routes selected by the Board; maintains a file of currently effective and proposed time schedules for public inspection; and maintains the official airport-to-airport mileage record.

SEC. 4.7 *Alaska Office.* The Director of the Alaska Office, under the general supervision of the Director of the Bureau of Economic Regulation, is responsible for the receipt and investigation of all matters pertaining to the regulation of air transportation in Alaska; the conduct of proceedings incident thereto; the preparation of recommendations and reports to the Board respecting the regulation of Alaskan Air Carriers and enforcement thereof; the audit and inspection of records, memoranda, accounts and property of Alaskan Air Carriers; and otherwise serving as the Board's representative in Alaska.

BUREAU OF LAW

SEC. 5.1 *General Counsel.* The General Counsel, as director of the Bureau of Law, is directly responsible to the Board for all Board activities relating to legal phases of the economic and safety regulation of air carriers (including legislation, rulemaking, and international matters); and litigation before the Courts. The following organizational units are included in the Bureau of Law:

(a) Carrier Relationships Division.
(b) Certificates and Permits Division.
(c) International and Rules Division.
(d) Rates Division.

SEC. 5.2 *Carrier Relationships Division.* The Carrier Relationships Division is responsible for all legal aspects of the Board's regulation of consolidation, mergers, acquisitions of control and interlocking relationships; the approval or disapproval of section 412 contracts affecting air transportation; the conduct of all legal work in connection with problems and controversies arising in connection with labor legislation; and the furnishing of public counsel to serve at all formal proceedings relating to carrier relationships matters (see section 5.6).

SEC. 5.3 *Certificates and Permits Division.* The Certificates and Permits Division is responsible for all legal matters relating to the issuance to and amendment of temporary and permanent certificates of public convenience and necessity or other operating authority to domestic air carriers for domestic, overseas, and foreign routes; the issuance and amendment of foreign air carrier permits; the abandonment of service or the provisions for additional service certified as necessary by the Postmaster General; the institution of non-stop services and use of different airports, and the issuance and amendment of other service orders; the issuance or denial of exemption orders pertaining to air carrier operations, including irregular and other noncertificated air carriers; and the furnishing of public counsel to serve at hearings which are required in certain certificate and permit cases (see section 5.6).

SEC. 5.4 *International and Rules Division.* The International and Rules Division is responsible for all legal aspects of the preparation, review, and interpretation of all Economic and Civil Air Regulations; federal-state relations; the preparation and/or review of proposed legislation affecting the Board's activities, including preparation of testimony thereon; the furnishing of assistance to the Board on all matters of international air law particularly those relating to interchange of air transport rights; and construction and interpretation of international treaties, conventions, and agreements.

SEC. 5.5 *Rates Division.* The Rates Division is responsible for all legal aspects of the Board's regulation of passenger, cargo, and mail rates, discriminatory rate practices, tariffs, accounts and reports, and financial aid and related financial matters. This includes advising the Board on all legal problems relating to the above matters, including the legal problems arising out of the preparation and issuance of show-cause orders and final opinions in mail, passenger and property rate decisions. The Division prepares and presents evidence and cross examines witnesses at formal hearings with the assistance of the Accounting and Rates Division, Bureau of Economic Regulation; and furnishes public counsel in all formal proceedings relating to rate matters (see section 5.6).

SEC. 5.6 *Public Counsel.* An attorney from the Bureau of Law is designated as public counsel to present the staff's case in most formal proceedings before the Board arising under the act.

BUREAU OF SAFETY REGULATION

SEC. 6.1 *Director.* The Director of the Bureau of Safety Regulation is directly responsible to the Board for analyzing the need for and developing technical findings and recommendations governing the formulation of safety rules in the form of Civil Air Regulations designed to promote safety in Civil Aeronautics, and for coordinating the International Standards adopted by the International Civil Aviation Organization with the Civil Air Regulations. The Bureau of Safety Regulation is composed of the following organizational units:
(a) Air Carrier Division.
(b) Airworthiness Division.
(c) General Rules Division.
(d) International Standards Division.

SEC. 6.2 *Air Carrier Division.* The Air Carrier Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing the minimum safety standards with respect to air carrier operations; conducts technical research into transport-type aircraft, equipment and operations; studies current technological developments and aviation practices as a basis for formulating air carrier safety standards; participates in the development of international standards relating to air carriers prescribed by the International Civil Aviation Organization and the modification of U. S. standards and practices to conform them to the international standards; and furnishes advice and assistance to the Board and other organizational units of the Board on matters involving safety regulation of air carrier operations.

SEC. 6.3 *Airworthiness Division.* The Airworthiness Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing the minimum design and performance safety standards for airworthiness certification of aircraft, engines, propellers, and appliances; conducts technical research into airworthiness aspects of aircraft, equipment and appliances; studies current technological developments and aviation practices as a basis for formulating airworthiness safety standards; participates in the development of international standards relating to airworthiness as prescribed by the International Civil Aviation Organization and the modification of U. S. standards and practices to conform them to the international standards; and advises the Board and other organizational units of the Board on problems of an engineering nature.

SEC. 6.4 *General Rules Division.* The General Rules Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing minimum safety standards which have general application to all phases of civil aviation; conducts technical research into non-transport type aircraft, equipment, and operations and aviation practices as a basis for formulating safety standards; participates in the development of related international standards as prescribed by the International Civil Aviation Organization and the modification of U. S. standards and practices as may be necessary to conform them to the international standards; and advises the Board and other organizational units of the Board on matters relating to the general safety problems of operation, utilization of equipment, certification of airmen and air agencies, and air traffic rules.

SEC. 6.5 *International Standards Division.* The International Standards Division works within the framework of the Air Coordinating Committee to prepare the United States position on technical matters in which the Board has a primary interest and participates with other divisions of the Air Coordinating Committee in the preparation of the United States position on matters in which the Board has a secondary or indirect interest; represents the United States at meetings of the Technical Divisions of Air Navigation Committee of the International Civil Aviation Organization at Montreal, Canada, and at regional and other meetings on subjects coming within the field of interest of the Board; and analyzes the results of these meetings and has primary responsibility for coordinating the international standards adopted by the International Civil Aviation Organization with the Civil Air Regulations.

BUREAU OF SAFETY INVESTIGATION

SEC. 7.1 *Director.* The Director of the Bureau of Safety Investigation is responsible to the Board for activities relating to investigation and analysis of aircraft accidents. The following organizational units are included in the Bureau of Safety Investigation:
(a) Accident Investigation Division.
(b) Hearing and Reports Division.
(c) Accident Analysis Division.

SEC. 7.2 *Accident Investigation Division.* The Accident Investigation Division is responsible for directing and assisting in the investigation of aircraft accidents to determine their probable cause, and for developing current techniques for such investigations. It determines the need for and the conduct of public or private inquiries; makes recommendations to prevent recurring accidents; develops educational material in various specialized phases of air safety; and conducts research and special studies relating to hazards potentially capable of resulting in serious accidents.

SEC. 7.21 *Accident Investigation Field Service.* The field service of the Accident Investigation Division is responsible for investigation of civil aircraft accidents and their probable causes for aircraft of United States registry, and foreign aircraft within the United States; reports facts and derives conclusions

with respect to probable causes of such accidents; coordinates research with other interested governmental agencies and industry representatives regarding such accidents; and participates in the conferences thereon and as members of the Board of Inquiry at subsequent public inquiries.

SEC. 7.3 *Hearing and Reports Division.* The Hearing and Reports Division arranges for and conducts public and private accident inquiries in order to ascertain the facts, conditions, circumstances, and probable cause of accidents involving aircraft; prepares all evidence, takes depositions, administers oaths and issues subpoenas for witnesses and documents incident to such inquiries, prepares and presents to the Board for adoption preliminary statements of fact and formal accident reports; and arranges for the reproduction of exhibits and factual documents of accident investigation for parties of interest.

SEC. 7.4 *Accident Analysis Division.* The Accident Analysis Division classifies and analyzes all reports of accidents involving aircraft in order to establish their basic causal and statistical factors; makes statistical analysis of civil aircraft accidents to isolate elements requiring corrective action and to determine accident trends; compiles statistical and analytical reports for the information of the Board and the public; and edits and issues safety bulletins and accident reports.

BUREAU OF ADMINISTRATION

SEC. 8.1 *Secretary.* The Secretary of the Board, as director of the Bureau of Administration, is directly responsible to the Board for over-all planning, policy formulation, and staff coordination in the area of administrative management; development of long-range work objectives and relating them to operational plans; allocation and control of funds; and the supervision of the recording and certification of all formal actions of the Board. The following organizational units are included in the Bureau of Administration:

(a) Budget and Management Section.
(b) Personnel Section.
(c) Office Service Section.
(d) Minutes Section.
(e) Publications Section.
(f) Library Unit.

SEC. 8.2 *Budget and Management Section.* The Budget and Management Section formulates, appraises and prepares the Board's budget estimates in accordance with its policies and work programs; executes the fiscal program within the limitations of Congressional appropriations; reviews proposed plans and programs of the Board to determine their administrative practicability and effect upon fiscal and personnel requirements; makes studies and analyses of organization, policies, and procedures relating to substantive and service functions of the Board, and initiates or reviews proposals for changes in innovations therein; and administers the system of internal Manual issuances, including the preparation, revision, issuance, and control thereof.

SEC. 8.3 *Personnel Section.* The Personnel Section is responsible for recruitment, placement, classification, retirement, employee welfare and related personnel activities; maintains personnel and payroll records; and applies personnel laws and regulations.

SEC. 8.4 *Office Service Section.* The Office Service Section handles the administrative service operations of the Board, including its central mail and messenger service; property and space procurement and control; and reviews and clears requisitions and vouchers for such services.

SEC. 8.5 *Minutes Section.* The Minutes Section processes the formal documents evidencing Board action; prepares and maintains the official minutes of the Board; provides, upon request, certified copies of documents reflecting action of the Board; and conducts liaison with the Division of the Federal Register.

SEC. 8.6 *Publications Section.* The Publications Section arranges for the reproduction of internal administrative, operational, and documentary issuances and publications of the Board; arranges for the distribution of such publications through the medium of established mailing lists and in response to specified requests; maintains supplies of all publications of the Board; and conducts liaison with the Government Printing Office for printing and binding services.

SEC. 8.7 *Library Unit.* The Library Unit furnishes special reference library service to members of the Board staff.

OFFICE OF ENFORCEMENT

SEC. 9.1 *Office of Enforcement.* The Office of Enforcement, under the direction of the Chief, is directly responsible to the Board for the development and execution of a program to enforce the observance of the economic regulatory provisions of the act, and all orders, rules, regulations, and other requirements promulgated or issued by the Board thereunder. It initiates, plans, and conducts investigations of alleged violations of the act and the Board's Economic Regulations; accomplishes economic enforcement by informal action, whenever appropriate, affording offenders an opportunity to voluntarily achieve and demonstrate compliance, and take such action, and effects such arrangements and understandings as may be appropriate and necessary to effect compliance in such cases; negotiates, executes, and accepts, subject to Board approval, formal stipulations and other consent agreements in appropriate cases (a) to cease and desist from violations, or (b) for the entry of appropriate compliance orders by the Board; prepares and presents before the Board and its examiners the government's case in formal economic enforcement proceedings; institutes and prosecutes, in the proper courts as agent of the Board, all civil and criminal actions and proceedings for economic enforcement, and handles all appeals in such cases, when assigned responsibility therefor, represents the Board in connection with its participation in other court actions, proceedings and appeals; cooperates with all other organization units of the Board in connection with informal action seeking to encourage and obtain voluntary compliance in cases of economic enforcement where action by the Office of Enforcement is not reasonably required in the first instance; and conducts necessary and appropriate liaison with other governmental agencies in connection with economic enforcement.

FIELD ORGANIZATION

SEC. 10.1 *Alaska Office.* The address of the Alaska Office is P. O. Box 2219, Anchorage, Alaska. (See section 4.7 for a description of functions.)

SEC. 10.2 *Accounting and Rates Division.* An office of the Accounting and Rates Division of the Bureau of Economic Regulation is maintained at 2 Park Avenue, New York, New York. (See section 4.2).

SEC. 10.3 *Accident Investigation Field Service.* The regional and branch offices of the field service of the Accident Investigation Division are located at the following addresses: (See section 7.21 for a description of functions.)

(a) *Regional offices.*

Region	Regional office address	Territory
1	Federal Bldg., New York International Airport, Jamaica, N. Y.	Connecticut, Delaware, District of Columbia, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, West Virginia, Rhode Island, Vermont, Virginia.
2	P. O. Box 720, Municipal Airport, Atlanta, Ga.	Alabama, Florida, Georgia, Louisiana (east of Mississippi River), Mississippi, North Carolina, South Carolina, Tennessee.
3	6200 South Cicero Ave., Chicago 38, Ill.	Illinois, Indiana, Kentucky, Michigan, Minnesota, North Dakota, Ohio, Wisconsin.
4	P. O. Box 1689, Fort Worth 1, Tex.	Arkansas, Louisiana (west of the Mississippi River), New Mexico, Oklahoma, Texas.
5	City Hall Bldg., Kansas City, Mo.	Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, Wyoming.
6	506 Santa Monica Blvd., Santa Monica, Calif.	Arizona, California, Nevada, Utah.
7	Room 202, Administration Bldg., King County Airport, Seattle 14, Wash.	Idaho, Montana, Oregon, Washington.
8	P. O. Box 2219, Anchorage, Alaska.	Alaska.

(b) *Branch offices.*

Region: *Branch office address*

2—— P. O. Box 477, Miami Springs, Fla.; Bldg. 152, Miami Army Air Base; 36th St. International Airport, Miami Springs, Fla.
3—— Wayne County Airport, Route 1, Romulus, Mich.
5—— Stapleton Air Field, Denver 7, Colo.
6—— Administration Bldg., Oakland Municipal Airport, Oakland 14, Calif.

Adopted: June 21, 1950.

Effective: July 1, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-5836; Filed, July 5, 1950; 8:52 a. m.]

[Public Notice PN 2]

DELEGATIONS OF AUTHORITY

In order to conform the delegations of authority material of the Board to the requirements of section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238) and to the regulations of the Administrative Committee of the Federal Register approved by the President effective October 12, 1948 (13 F. R. 5929), the statements of final delegations of authority presently in the Organizational Regulations have been completely rewritten to reflect the present status of all Board final delegations of authority. Existing delegations in various parts of the regulations have been centralized with minor revisions of language.

Since this Public Notice No. 2 contains a rule of agency organization and practice, public notice and procedure thereon is not required.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Organizational Regulations (formerly 14 CFR § 301.2) as follows, effective July 1, 1950:

1. By revoking in its entirety the section titled "Delegations of Authority" (formerly § 301.2).

2. By making and promulgating the following statements of the Board's final delegations of authority as Public Notice No. 2 reading as follows:

OFFICERS AND EMPLOYEES

Sec.
1.1 Officers and employees; general authority.

EXAMINERS OR PRESIDING OFFICERS

2.1 Procedural matters incident to formal proceedings.
2.2 Initial decisions in safety enforcement proceedings.

CHIEF EXAMINER

3.1 Requests for extension of time for filing certain documents.

CHIEF, OFFICE OF ENFORCEMENT

4.1 Institution of court proceedings.

DIRECTOR, ALASKA OFFICE

5.1 Procedural matters incident to formal proceedings.
5.2 Rejection of tariffs, Alaskan Air Carriers.
5.3 Special tariff permission, Alaskan Air Carriers.
5.4 Requests for additional information.
5.5 Extension of time for filing documents and waiver of contents.
5.6 Rule making, proposed Economic Regulations affecting Alaskan Air Carriers.

DIRECTOR, BUREAU OF ECONOMIC REGULATION

6.1 Rejection of tariffs for air carriers other than Alaskan Air Carriers and including foreign air carriers.
6.2 Special tariff permission for air carriers other than Alaskan Air Carriers and including foreign air carriers.
6.3 Waiver, modification, and interpretation of reports and accounts.
6.4 Extension of time for filing certain documents.
6.5 Letters of Registration issued pursuant to Part 296 of the Economic Regulations.
6.6 Temporary changes in service patterns by feeder air carriers.
6.7 Contracts and agreements.
6.8 Interlocking relationships.
6.9 Tariff investigations, tariff suspensions and complaints concerning tariffs.
6.10 Free or reduced rate transportation.
6.11 Photographic reproduction of records.
6.12 Certain tariff matters.

DIRECTOR, BUREAU OF SAFETY INVESTIGATION

7.1 Accident inquiries.

DIRECTOR, BUREAU OF SAFETY REGULATION

8.1 Rule making, proposed changes in Civil Air Regulations.
8.2 Waiver of citizenship requirements for issuance of airman certificates.

OFFICERS AND EMPLOYEES

SECTION 1.1 *Officers and employees; general authority.* All officers and employees of the Board are authorized to request such information from or make such contact with, the public or agencies of Government as may be necessary to the proper discharge of assigned duties.

EXAMINING OR PRESIDING OFFICERS

SEC. 2.1 *Procedural matters incident to formal proceedings.* All persons designated as examiners or presiding officers in any proceeding or investigation of the Board have authority:

(a) To adjourn or postpone hearings;

(b) To administer oaths and affirmations;

(c) To sign and issue subpenas;

(d) To take or cause depositions to be taken;

(e) To hold conferences for the settlement or simplification of the issues;

(f) To regulate the course of the proceeding and dispose of procedural requests or similar matters arising in the course of the hearing;

(g) To rule upon the admissibility of and receive evidence; and

(h) To do any and all other or further acts necessary or incident to the conduct of such proceedings and ordinarily entrusted to a presiding judicial officer.

SEC. 2.2 *Initial decisions in safety enforcement proceedings.* Examiners or presiding officers are authorized to make the initial decision in proceedings for the suspension or revocation of airman and other safety certificates, and for the review of the Administrator's refusal to issue an airman certificate.

CHIEF EXAMINER

SEC. 3.1 *Requests for extension of time for filing certain documents.* The Chief Examiner is authorized to extend the time for filing a notice of objection and answers to show cause orders, petitions for rehearing, reargument, and/or reconsideration of the Board's decision, but a postponement shall not be granted within three days before the date originally set for filing except in cases involving unusual hardship on the requesting party or parties.

CHIEF, OFFICE OF ENFORCEMENT

SEC. 4.1 *Institution of court proceedings.* The Chief, Office of Enforcement, is authorized to institute and prosecute in the proper court, as agent of the Board, all necessary proceedings for the enforcement of subpenas and for the enforcement of the provisions of the act or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, and for the punishment of all violations thereof.

DIRECTOR, ALASKA OFFICE

SEC. 5.1 *Procedural matters incident to formal proceedings.* (a) In formal proceedings on the Board's Alaskan docket, the Director, Alaska Office, is authorized:

(1) To assign such proceedings for hearings and conferences in appropriate cases, and to serve all interested persons with procedural notices (other than notice of oral argument before the Board) and examiners' reports relating thereto and,

(2) To hear oral argument upon exceptions to an examiner's report provided that upon completion of oral argument a transcript thereof shall be sent to the Board.

(b) Subject to modification or reversal by the Board either on its own motion or in response to a request filed by any interested party to the proceeding, the Director, Alaska Office, on his own motion or upon petition or application by any air carrier or other person affected by or having a substantial interest in his action, is authorized:

(1) To grant or deny petitions for intervention in proceedings on the Board's Alaskan docket;

(2) To order dismissal of any application made to the Board pursuant to the act when such dismissal is requested by the applicant or where the applicant has failed to prosecute such application; and,

(3) To consolidate applications or any part thereof on the Board's Alaskan docket for hearing or issuance for initial or recommended decision by an examiner.

(4) To sever applications or any part thereof on the Board's Alaskan docket for hearing or issuance of initial or recommended decision by an examiner.

SEC. 5.2 *Rejection of Tariffs, Alaskan Air Carriers.* The Director of the Alaska Office is authorized to reject, on behalf of the Board, any tariff, supplement, or revised page which is filed by any Alaskan air carrier and which is subject to rejection under section 403 (a) of the Civil Aeronautics Act, as amended, because it is not consistent with section 403 of the act or with Parts 221 and 222 of the Economic Regulations. In exercising this authority, the Director of the Alaska Office shall give notice of any such rejection in writing to the carrier or agent filing such tariff. The notice shall clearly state the reason or reasons for the rejection. When time will not permit receipt of notice by mail prior to the proposed effective date of the tariff publication so rejected, telegraphic notice shall also be given.

SEC. 5.3 *Special tariff permission, Alaskan Air Carriers.* The Director of the Alaska Office is authorized to approve or disapprove any application for permission to make tariff changes upon less than statutory notice, filed by an Alaskan air carrier pursuant to § 222.3 (k) of the Economic Regulations, which (a) has as its only purpose the correction of mechanical, clerical, or administrative errors, or (b) does not involve new or substantial questions of policy. In exer-

cising this authority, the Director of the Alaska Office may refer any application to the Board for disposition, and shall so refer any application which he is not hereby authorized to approve or disapprove.

SEC. 5.4 *Requests for additional information.* The Director of the Alaska Office is authorized at any time:

(a) To require any person filing documents with the Alaska Office to file additional copies thereof.

(b) To make service upon persons other than those specified in the pertinent regulation, order, or rule of the Board, if he finds such requirements necessary in the public interest or in the interest of efficiency and expedition in the work of the Board.

(c) To require any person filing a formal or informal application, complaint, petition or other document that in his opinion does not sufficiently set forth the material required to be set forth by the applicable regulation, order, or rule of the Board, or is otherwise insufficient, to supply additional information.

(d) To require, if he deems an answer desirable, a reply to formal complaints and petitions.

SEC. 5.5 *Extension of time for filing documents and waiver of contents.* The Director of the Alaska Office is authorized, upon good cause shown, to grant or deny individual requests for extensions of time for filing any document required to be filed with the Alaska Office pursuant to Part 292 of the Economic Regulations, or for waiver of the form or content of such document to conform to the particular operations of the individual requesting such waiver.

SEC. 5.6 *Rule making, proposed Economic Regulations affecting Alaskan Air Carriers.* The Director, Alaska Office, may prepare and publish for comment by Alaskan air carriers a draft of proposed Economic Regulations affecting air transportation within Alaska, or of proposed amendments or modifications of such regulations, providing that such notice shall indicate clearly that the proposals are those of the Director and have not been approved by the Board.

DIRECTOR, BUREAU OF ECONOMIC REGULATION

SEC. 6.1. *Rejection of tariffs for air carriers other than Alaskan Air Carriers and including foreign air carriers.* The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate) is authorized to reject any tariff, supplement, or revised page which is filed by any air carrier other than an Alaskan air carrier, or by any foreign air carrier, and which is subject to rejection under section 403 (a) of the Civil Aeronautics Act of 1938, as amended, because it is not consistent with section 403 of the Civil Aeronautics Act or with Parts 221 and 222 of the Economic Regulations, as amended from time to time. In exercising this authority, the Director, Bureau of Economic Regulation, shall give notice of any such rejection in writing to the carrier or agent filing such tariff. The notice shall clearly state the reason or reasons for the rejection. When time will not permit receipt of notice by mail prior to the proposed effective date of the tariff publication so rejected, telegraphic notice shall also be given.

SEC. 6.2 *Special tariff permission for air carriers other than Alaskan Air Carriers and including foreign air carriers.* The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate) is authorized to approve or disapprove any application for permission to make tariff changes upon less than statutory notice, filed pursuant to § 222.3 (k) of the Economic Regulations which (a) has as its only purpose the correction of mechanical, clerical, or administrative errors, or (b) does not involve new or substantial questions of policy. In exercising this authority, the Director, Bureau of Economic Regulation, may refer any application to the Board for disposition, and shall so refer any application which he is not hereby authorized to approve or disapprove. Any application disapproved pursuant to this delegation of authority is thereby denied, subject to review by the Board. In the event of such disapproval, an applicant may within 5 days after it has received written notice thereof file a written request for review of the denial resulting from such disapproval. The Board will thereupon review the matter and enter an order finally disposing of the application.

SEC. 6.3 *Waiver, modification, and interpretation of reports and accounts.* (a) The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate) is authorized to waive, modify or interpret any of the reporting requirements of § 241.1 and Parts 242, 243, and 244 of the Economic Regulations and to establish detailed uniform practices in connection with the submission of the reports required therein; provided, that upon application by any air carrier affected by such action, the Director shall submit any waiver, modification, interpretation or established practice to the Board for review.

(b) The Director of the Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate) is authorized to waive, modify, or interpret the reporting requirements of § 241.2 of the Economic Regulations and of the provisions of the Uniform System of Accounts for Air Carriers, and to establish detailed uniform practices in connection with the general accounting requirements, prescribed therein; provided, that upon application by any affected air carrier, any such waiver, modification, interpretation, or establishment shall be submitted to the Board for review.

SEC. 6.4 *Extension of time for filing certain documents.* The Director, Bureau of Econoic Regulation or such staff member of the Bureau of Economic Regulation as he may designate), is authorized to grant or deny, upon good cause shown, individual requests for extension of time for filing reports or for waiver of the form or content of such reports to conform to the particular operation of the individual requesting such waiver.

SEC. 6.5 *Letters of Registration issued pursuant to Part 296 of the Economic Regulations.* The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, is authorized to advise applicants for Letters of Registration—Air Freight Forwarder and applicants for the approval of a relationship under § 296.11 of the Economic Regulations, in cases where disapproval is deemed appropriate, that the information set forth in the application does not warrant a staff recommendation of approval and that the applicant may either (a) withdraw the application, (b) submit further information, (c) seek Board review or (d) request a hearing with respect to such application prior to final action.

SEC. 6.6 *Temporary changes in service patterns by feeder air carriers.* (a) The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, is authorized to approve or disapprove all applications filed under Part 202 of the Economic Regulations by feeder air carriers for authority to effect temporary or seasonal changes in service patterns, where clear precedents for proposed changes have already been established by the Board: *Provided*, That all applications raising substantial questions of policy or a new type of authority shall be referred to the Board of disposition. For the purpose of this paragraph a "feeder" air carrier is an air carrier holding a certificate of public convenience and necessity which contains a condition requiring that each trip operated by the holder of the certificate between points named in the route or a segment thereof, shall serve (subject to exceptions set forth in such certificate) each terminal and intermediate point.

(b) In the event the disapproval of any such application is deemed appropriate, the Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), is authorized to advise the applicants that the staff is unable to recommend approval of the proposed change, giving the applicants the opportunity of requesting Board review of the matter.

SEC. 6.7 *Contracts and agreements.* The Director of the Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, is authorized to advise the parties to any agreement or contract filed by air carriers under section 412 of the act as to which disapproval is deemed appropriate that, on the basis of information of record, approval is not warranted and

that the parties thereto may either (a) present such further information as will warrant approval, (b) amend the agreement or contract to eliminate all objections thereto, (c) seek Board review, or (d) request a hearing prior to final action.

SEC. 6.8 *Interlocking relationships.* The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, is authorized: (a) To advise the applicants, who have submitted applications for approval of interlocking relationships filed under section 409 (a) of the act, that the staff is unable to recommend approval of the relationship, giving the applicants the option of presenting additional information, terminating the relationship, seeking Board review, or requesting a formal hearing in the matter.

(b) To dismiss all applications for approval of interlocking relationships where the termination of the interlocking relationship in question has been effected.

SEC. 6.9 *Tariff investigations, tariff suspensions, and complaints concerning tariffs.* (a) In instances where an investigation of a tariff is pending, or the tariff is under suspension, or a complaint requesting investigation or suspension of a tariff has been filed, the Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, is authorized:

(1) To permit cancellation of such tariff;

(2) To dismiss the investigation or complaint; or to terminate the suspension, if the tariff to which such investigation, complaint or suspension relates has been cancelled, ordered cancelled, or has expired;

(3) To institute an investigation of, or to suspend, a tariff which is substantially similar to a prior tariff under investigation or suspension, and is filed by or on behalf of one or more of the carriers party to the prior tariff, and is filed within 90 days after the expiration, modification or cancellation of the prior tariff, or within 90 days after the effective date of an order requiring its cancellation or modification;

(4) To extend from time to time the period of suspension of a tariff under suspension when the proceedings concerning the lawfulness of such tariff cannot be concluded before the expiration of the existing suspension period, provided that the aggregate of such extensions may not be for a longer period than permitted under section 1002 (g) of the act.

(b) As used herein the term "tariff" means a tariff or any part or parts thereof, including, but not limited to, any fare, charge, rate, rule, regulation or any other provision contained in a tariff or part or parts thereof.

SEC. 6.10 *Free or reduced rate transportation.* (a) The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, is authorized to approve or disapprove applications filed under section 403 (b) of the act and § 223.8 of the Economic Regulations for permission to furnish free or reduced rate overseas or foreign air transportation, when such applications do not involve new and substantial questions of policy, provided that any such applications may be referred to the Board for disposition, and that any applications not hereby authorized to be approved or disapproved by the staff shall be referred to the Board.

(b) In the event the disapproval of any such application is deemed appropriate, the Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), is authorized to advise the applicants that the staff is unable to recommend approval of the free or reduced rate transportation, giving the applicants an opportunity of requesting Board review of the matter.

SEC. 6.11 *Photographic reproduction of records.* The Director, Bureau of Economic Regulation, (or such staff member of the Bureau of Economic Regulation as he may designate), is authorized to circulate a communication on behalf of the Board authorizing air carriers to substitute photographic reproductions for specified categories of records, and to approve or disapprove an "application for substitution" filed with him by an air carrier pursuant to § 249.1 (d) of the Economic Regulations.

SEC. 6.12 *Certain tariff matters.* The Director, Bureau of Economic Regulation, (or such staff member of the Bureau of Economic Regulation as he may designate), is authorized:

(a) To approve or disapprove methods for indicating cancellation of an existing rate or rule in the publication stating the new rate or rule, in a manner other than that specifically required by § 221.8 (c) of the Economic Regulations;

(b) To determine the form and manner in which a supplement is to be prepared whenever the operation of any provision of a tariff, supplement, or looseleaf page is suspended by the Board, in accordance with § 222.5 of the Economic Regulations;

(c) To authorize the issuance of supplements to looseleaf tariffs in accordance with § 221.10 (g) of the Economic Regulations; and

(d) To approve or disapprove applications for waiver of the provisions of Parts 221 and 222 of the Economic Regulations in accordance with § 222.3 (g).

DIRECTOR, BUREAU OF SAFETY INVESTIGATION

SEC. 7.1 *Accident inquiries.* When in the opinion of the Director, Bureau of Safety Investigation, an inquiry is necessary in order fully to ascertain the facts, conditions, circumstances, and the probable cause of an accident involving aircraft, the Director, Bureau of Safety Investigation, on behalf of the Board, is authorized to order an inquiry and designate a presiding officer to conduct such inquiries. Such inquiries shall not involve adjudication of essential rights of persons, but shall be in the nature of technical investigations conducted in a formal manner.

DIRECTOR, BUREAU OF SAFETY REGULATION

SEC. 8.1 *Rule making, proposed changes in Civil Air Regulations.* The Director, Bureau of Safety Regulation, is authorized to publish notice of proposed changes in the Civil Air Regulations. Such notice shall indicate clearly that the proposed changes are those of the Bureau and have not been approved by the Board.

SEC. 8.2 *Waivers of citizenship requirements for issuance of airman certificates.* The Director, Bureau of Safety Regulation (or such staff member of the Bureau of Safety Regulation as he may designate) acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, is authorized to approve requests for waiver of the citizenship requirements of the Civil Air Regulations regarding the issuance of airman certificates, in cases where the files of the Federal Bureau of Investigation and the Central Intelligence Agency do not contain any information showing, or tending to show, that the persons submitting such requests owe or might owe allegiance to an unfriendly foreign government and thus may, in some way, take improper advantage of the privileges of the airman certificates requested.

Adopted: June 21, 1950.

Effective: July 1, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-5837; Filed, July 5, 1950; 8:52 a. m.]

[Public Notice PN 3]

STATEMENT OF PLACES AT WHICH PUBLIC MAY SECURE INFORMATION OR MAKE SUBMITTALS OR REQUESTS

In order to conform the available material on the established places at which, and the methods whereby, the public may secure information or make submittals or requests to the Board to the requirements of sections 3 (a) (1) and 3 (c) of the Administrative Procedure Act (60 Stat. 238) and to the regulations of the Administrative Committee of the Federal Register approved by the President effective October 12, 1948 (13 F. R. 5929), the material on public information presently in the Organizational Regulations has been completely rewritten.

Since this Public Notice No. 3 contains a rule of agency organization and practice, public notice and procedure thereon is not required.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Organizational Regulations (formerly 14 CFR §§ 301.3 and 302.8) as follows effective July 1, 1950:

1. By revoking in its entirety the section titled "Public Information," (formerly § 301.3) and the section titled "Scope and Content of Documents," (formerly § 302.8).

2. By making and promulgating the following statement of places at which the public may secure information or make submittals and requests as Public Notice No. 3 reading as follows:

Sec.
1.1 Offices.
1.2 General information and requests.
1.3 Submittals.
1.4 Inspection of records.
1.5 Certified copies; requests for; costs.
1.6 Forms.

SECTION 1.1 *Offices.* (a) The central office of the Board is located in the Department of Commerce Building, Fourteenth Street between Constitution Avenue and E Street NW., Washington 25, D. C. The hours of the Board are from 8:30 a. m. to 5:00 p. m., Monday through Friday unless otherwise provided by statute or Executive order.

(b) Other offices of the Board in Washington, D. C. are maintained in Temporary Building 5, Foot of Sixteenth Street and Constitution Avenue NW.

(c) The location of the Board's field offices is set forth in sections 10.1, 10.2, and 10.3 of Public Notice No. 1.

SEC. 1.2 *General information and requests.* (a) The Public Information Section in the Office of the Chairman is the primary channel through which general inquiries from the public or press are handled. Persons desiring to obtain information, or make requests of a general nature, should communicate with the Public Information Section. This section is also the primary channel for releasing to the public information concerning matters pending before, or action taken by the Board.

(b) The Public Information Section is located in Room 5036, Department of Commerce Building.

(c) Persons who wish to apply for employment should communicate with the Personnel Section, Bureau of Administration.

(d) The Publications Section prepares periodically a list of free and for sale publications of the Board. Mailing lists are maintained on certain classifications of free releases and publications listed thereon. Interested persons concerned may obtain copies of the list and may have their names placed on the Board's mailing list to receive one or more of the several classes of free releases and publications.

SEC. 1.3 *Submittals.* (a) All formal submittals to the Board should be addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. Persons residing in Alaska may at their option make such submittals to the Civil Aeronautics Board, Alaska Office, Anchorage, Alaska.

(b) Notice and reports of aircraft accidents and missing aircraft required pursuant to Part 62 of the Civil Air Regulations (14 CFR, Part 62) shall be directed to the nearest Civil Aeronautics Board office or through the nearest Civil Aeronautics Administration communication station or agent.

SEC. 1.4 *Inspection of records*—(a) *Public records.* All matters of official record, other than information held confidential or withheld from public disclosure pursuant to Sections 1001 and 1104 of the Civil Aeronautics Act of 1938, as amended, and § 302.16 of the Procedural Regulations, are available at the offices of the Board in Washington, D. C., to persons properly and directly concerned upon application to the Secretary during regular working hours. Documents and records pertaining to Alaskan air carriers may also be inspected in the Board's office in Anchorage, Alaska. Such official records shall include:

(1) All documents authorized or required to be filed with the Board by the Civil Aeronautics Act of 1938, as amended, or any regulation, order, or rule of the Board issued thereunder.

(2) The entire record of all formal proceedings or hearings of the Board.

(3) The official record indicating every vote and official act of the Board except that the information contained in such record is available only to persons properly and directly concerned therewith.

(4) The direct airport - to - airport mileage record.

(5) All opinions, orders, rules, and reports published by the Board.

(6) All final opinions, orders, and rules entered by the Board, unless held confidential or withheld from public disclosure for good cause and not cited as precedents.

(7) Communications containing comments on proposed rules which are received by the Board in response to notices of proposed rule making: *Provided*, That any such communications made available for public inspection shall be made available only after the period set for the receipt of comments has expired.

(b) *Other records.* The records and files of the Board, and all documents, memoranda, correspondence, exhibits and information of whatever information, other than the matters described in paragraph (a) of this section, coming into the possession or within the knowledge of the Board or any of its officers or employees in the discharge of their official duties, are confidential and none of such material or information may be disclosed, divulged, or produced for inspection or copying except that, upon good cause shown, the Board may by order direct that certain files, papers, or information be disclosed to a particular applicant.

SEC. 1.5 *Certified copies; request for; costs.* Copies of any documents subject to inspection under the provisions of section 1.4 will be prepared and will be certified by the Secretary, under seal, on written request, specifying the number of copies desired, and the date on which the same will be required. Such request must be made so as to permit a reasonable time for the preparation of such copies and any cost incurred in the preparation of such copies must be borne by the person making application therefor. However, publications included in section 1.4 (5) above, need not be certified, in accordance with subsection 205 (d) of the Civil Aeronautics Act of 1938, as amended, which provides in part that publications purporting to be published by the Board shall be competent evidence of the orders, decisions, rules, regulations and reports of the Board therein contained in all courts of the United States and of the several states, territories and possessions thereof, and the District of Columbia, without further proof or authorization thereof.

SEC. 1.6 *Forms.* Information concerning all forms and instructions as to the scope and contents of all papers, reports, or other documents required or authorized by the Board to be filed or maintained, pursuant to the Civil Aeronautics Act or any rules, regulations or order of the Board, is contained in the Board's Civil Air Regulations, Economic Regulations and Procedural Regulations. If the form of any document required to be filed is not prescribed, such document should set forth the matter specified in letter form. If the form of any document authorized to be filed is not prescribed, such document should conform to the currently effective provisions of Parts 301 and 302 of the Procedural Regulations governing general requirements as to papers in proceedings and form and filing of documents.

Adopted: June 21, 1950.

Effective: July 1, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-5838; Filed, July 5, 1950; 8:53 a. m.]

[Docket No. 4193]

UNITED AIR LINES, INC.

NOTICE OF HEARING ON APPLICATION FOR AMENDMENT TO CERTIFICATE

In the matter of the application of United Air Lines, Inc., for amendment to its certificate of public convenience and necessity so as to authorize air transportation of property and mail, only, between Hartford, Conn., and Boston, Mass., on the one hand, and New York, N. Y., and Newark, N. J., and points west thereof on route No. 1, on the other, subject to certain conditions.

Notice is hereby given that the above-entitled proceeding is assigned for hearing on July 10, 1950, at 10:00 a. m., e. d. s. t., in Room 116, Wing "C," Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Without limiting the scope of the issues involved in this proceeding particular attention will be directed to the question of whether or not public convenience and necessity require the amendment of United Air Lines, Inc., certificate for route No. 1, so as to authorize United to engage in air trans-

portation with respect to property and mail, only, between Hartford, Conn., Boston, Mass., on the one hand, and New York, N. Y., and Newark, N. J., and points west thereof, on route No. 1, on the other, subject to certain conditions.

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding shall file with the Board on or before July 10, 1950, a statement setting forth issues of fact or law to be controverted.

For further details as to the matters concerned with this proceeding, interested parties are referred to the documents on file with the Board in this proceeding.

Dated at Washington, D. C., June 29, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-5839; Filed, July 5, 1950; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

STATEMENT OF DELEGATIONS OF AUTHORITY

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of June 1950;

The Commission having under consideration the requests of several licensees for temporary authority to continue the use of certain frequencies beyond July 1, 1950, the date by which they were required to shift to another frequency in accordance with the Commission's public notice of March 20, 1947, in the matter of frequency service-allocations in the 30-40 Mc. band;

It appearing, that § 2.103 of Part 2 of the Commission's existing rules makes provision for short term grants of authority where important or exceptional circumstances require such utilization of frequencies;

It further appearing, that it would be in the public interest to provide a procedure for staff action on requests for such special temporary authority in those instances in which the public welfare is an important element;

It further appearing, that because the rule amendment herein ordered is organizational and procedural in nature, and because of the need for a procedure that will permit the prompt consideration of additional requests of the nature of those now under consideration by the Commission, compliance with the public notice and procedure provided for in section 4 of the Administrative Procedure Act is unnecessary and impracticable;

It further appearing, that authority for the amendment herein ordered is contained in section 5 (e), section 303 (c) and (r), and section 307 of the Communications Act of 1934, as amended;

It is ordered, That effective immediately the Statement of Delegations of Authority be amended to provide as follows:

Section 0.144 is amended by adding a new subparagraph (n) thereto to read as follows:

(n) Application for special temporary authority under § 2.103 to continue use of a frequency in the 30-40 Mc. band beyond July 1, 1950, the final date specified in the Commission's public notice of March 20, 1947 for shifting to a frequency listed in the Table of Frequency Allocations, when it appears that the application relates to an established service involving the public welfare and that the applicant has taken affirmative steps towards the acquisition of equipment to accomplish the conversion.

(Sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (r). Applies secs. 5 (e), 48 Stat. 1068; 47 U. S. C. 155 (e); 303 (c), 48 Stat. 1082; 47 U. S. C. 303 (c) and 307, 48 Stat. 1083; 47 U. S. C. 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 50-5843; Filed, July 5, 1950; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6297]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR LACK OF JURISDICTION

JUNE 29, 1950.

Notice is hereby given that, on June 29, 1950, the Federal Power Commission issued its order entered June 28, 1950, dismissing application for lack of jurisdiction in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5809; Filed, July 5, 1950; 8:46 a. m.]

[Docket No. E-6299]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF PROMISSORY NOTES

JUNE 29, 1950.

Notice is hereby given that, on June 28, 1950, the Federal Power Commission issued its order entered June 28, 1950, authorizing and approving issuance of promissory notes in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5810; Filed, July 5, 1950; 8:47 a. m.]

[Project No. 737]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING FURTHER AMENDMENT OF LICENSE (TRANSMISSION LINE)

JUNE 29, 1950.

Notice is hereby given that, on June 28, 1950, the Federal Power Commission issued its order entered June 27, 1950, authorizing further amendment of license (transmission line) in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5811; Filed, July 5, 1950; 8:47 a. m.]

[Project No. 943]

PUGET SOUND POWER AND LIGHT CO.

NOTICE OF ORDER DETERMINING NET CHANGES IN ACTUAL LEGITIMATE ORIGINAL COST AND PRESCRIBING ACCOUNTING THEREFOR

JUNE 29, 1950.

Notice is hereby given that, on June 28, 1950, the Federal Power Commission issued its order entered June 27, 1950, determining net changes in actual legitimate original cost and prescribing accounting therefor in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5812; Filed, July 5, 1950; 8:47 a. m.]

[Docket No. G-1083]

CITIZENS GAS & COKE UTILITY

NOTICE OF ORDER MODIFYING INITIAL DECISION

JUNE 29, 1950.

In the matter of City of Indianapolis by and through its Board of Directors for utilities of its Department of Public Utilities, a Municipal Corporation of the State of Indiana, Successor Trustee of a Public Charitable Trust, doing business as Citizens Gas and Coke Utility.

Notice is hereby given that, on June 28, 1950, the Federal Power Commission issued its order entered June 27, 1950, in the above-designated matter, modifying initial decision of the Presiding Examiner.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5813; Filed, July 5, 1950; 8:47 a. m.]

[Docket Nos. G-1277 and G-1335]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND CAROLINA NATURAL GAS CORP.

NOTICE OF ORDER SEVERING PROCEEDINGS AND RESCINDING ORDER OF INTERVENTION

JUNE 29, 1950.

Notice is hereby given that, on June 28, 1950, the Federal Power Commission issued its order entered June 27, 1950, in the above-designated matters, severing proceedings for further hearing, and rescinding order of March 6, 1950, permitting intervention of Carolina Natural Gas Corporation in Docket No. G-1277.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5814; Filed, July 5, 1950; 8:47 a. m.]

[Docket Nos. G-1335, G-1407, G-1411, and G-1413]

CAROLINA NATURAL GAS CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JUNE 27, 1950.

In the matters of Carolina Natural Gas Corporation, Docket No. G-1335, Public Service Company of North Carolina, Incorporated, Docket No. G-1407, Transcontinental Gas Pipe Line Corporation, Docket No. G-1411, Piedmont Natural Gas Company, Inc., Docket No. G-1413.

On March 3, 1950, an application was filed by Carolina Natural Gas Corporation (Carolina Natural) in Docket No. G-1335, for authorization to construct and operate certain natural gas pipeline facilities in North and South Carolina, and for an order pursuant to section 7 (a) of the Natural Gas Act directing Transcontinental Gas Pipe Line Corporation (Transcontinental) to establish physical connections and sell Carolina Natural a supply of gas out of the facilities authorized in Docket No. G-1277.

On April 13, 1950, the Commission consolidated for the purpose of hearing the application of Carolina Natural in Docket No. G-1335 with the application of Transcontinental in Docket No. G-1277. By our order of June 27, 1950, the proceeding on the application of Carolina Natural Gas Corporation in Docket No. G-1335 was severed for further hearing from the proceedings in Docket No. G-1277.

On May 1, 1950, Carolina Natural presented in part its direct case.

On June 5, 1950, Public Service Company of North Carolina, Incorporated (Public Service), filed an application in Docket No. G-1407 for authorization to construct and operate certain facilities and to purchase natural gas from Transcontinental for service in some of the communities in the Carolinas.

On June 6, 1950, Transcontinental filed a new application in Docket No. G-1411 for authorization to increase the capacity of its authorized facilities to serve Piedmont Natural Gas Company, Inc., and Public Service Company of North Carolina, Incorporated.

On June 7, 1950, Piedmont Natural Gas Company, Inc., a new corporation, filed an application in Docket No. G-1413 for authorization to construct and operate certain facilities and purchase natural gas from Transcontinental for service in certain of the communities proposed to be served by Carolina Natural.

The combined markets proposed to be served by Piedmont and Public Service constitute substantially the market proposed to be served by Carolina Natural.

On June 6, 1950, Public Service Company of North Carolina, Incorporated, filed a motion for consolidation for purpose of hearing of Docket Nos. G-1335, G-1407, and G-1411, and such other dockets as might be appropriate and necessary.

The Commission finds: Orderly procedure requires that hearings on the applications of Public Service Company of North Carolina, Incorporated, in Docket No. G-1407, Piedmont Natural Gas Company, Inc., in Docket No. G-1413, and Transcontinental Gas Pipe Line Corporation in Docket No. G-1411 should be consolidated for purpose of hearing with the hearing on the application of Carolina Natural Gas Corporation in Docket No. G-1335 which commenced on May 1, 1950.

The Commission orders:

(a) The applications in Docket Nos. G-1407, G-1411, and G-1413 are hereby consolidated for purpose of hearing with the hearing on the application in Docket No. G-1335.

(b) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on July 12, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the applications in Docket Nos. G-1335, G-1407, G-1411, and G-1413.

(c) Interested State commissions may participate, as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: June 28, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5815; Filed, July 5, 1950; 8:47 a. m.]

[Docket Nos. G-1210, G-1236, G-1264]

ERIE GAS SERVICE CO., INC., ET AL.

ORDER FIXING DATE OF FURTHER HEARING

JUNE 29, 1950.

In the matters of Eugene H. Cole (Erie Gas Service Co., Inc.), Docket No. G-1210, Lake Shore Pipe Line Company, Docket No. G-1236, Grand River Gas Transmission Company, Docket No. G-1264.

Hearings in these proceedings commenced on April 24, 1950, at Washington, D. C., and were recessed on May 4, 1950, to reconvene on May 31, 1950.

On May 31, 1950, the proceedings were recessed to reconvene at a future date to be fixed by order of the Commission.

The Commission orders: The hearings in the proceedings in Docket Nos. G-1210, G-1236, and G-1264 be resumed on July 10, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: June 29, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5825; Filed, July 5, 1950; 8:48 a. m.]

[Docket No. G-1370]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 30, 1950.

Notice is hereby given that, on June 29, 1950, the Federal Power Commission issued its findings and order entered June 29, 1950, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5826; Filed, July 5, 1950; 8:49 a. m.]

FEDERAL SECURITY AGENCY

Office of Education

SCHOOL ASSISTANCE IN FEDERALLY IMPACTED AREAS

Section 751 is amended in the following manner:

(j) *School Assistance in Federally Impacted Areas.* There is also attached to the Office of the Commissioner an officer known as Head, School Assistance in Federally Impacted Areas, who shall be responsible for the administration of this program.

Pursuant to Reorganization Plan No. 16 of 1950, effective May 24, 1950, the functions vested in the Administrator, General Services, under Public Law 396, approved September 10, 1949, entitled "An act to provide assistance for local school agencies in providing educational opportunities for children on Federal Reservations or in defense areas, and for other purposes" have been transferred to the Federal Security Administrator. The Federal Security Administrator has authorized the Office of Education to perform all functions of the Administrator of General Services under the aforesaid act, together with so much of any other function of the Administrator of General Services or of the General Services Administration as is incidental or necessary for the carrying out of the provisions of such act.

All rules and regulations promulgated by the Commissioner of the Bureau of Community Facilities with regard to (1) determination of eligibility for assistance of local school agencies, (2) bases for allotting funds, and (3) settlement of projects as set forth in Memorandum No. 117 of the Commissioner of the Bureau of Community Facilities dated November 10, 1949, continue in effect until changed.

Unexpired agreements between local school agencies and the United States Government under this program will be continued in effect by the Office of Education. Certified statements of expenditure and income (BCF Form 705) for final statement purposes should be sent directly to the Head, School Assistance in Federally Impacted Areas, Office of Education, Federal Security Agency, Washington 25, D. C. Inquiries con-

cerning any aspect of this program may be directed to this official.

[SEAL] EARL J. MCGRATH,
U. S. Commissioner of Education.

Approved: June 29, 1950.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 50-5816; Filed, July 5, 1950; 8:59 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2389]

DELAWARE POWER AND LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF MARYLAND

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of June 1950.

Delaware Power & Light Company ("Delaware"), a registered holding company and an electric utility company, and its wholly owned subsidiary, The Eastern Shore Public Service Company of Maryland ("Eastern Shore"), an electric utility company, having filed a joint application-declaration pursuant to sections 6 (b), 9 (a), 12 (d) and 12 (f) of the act with respect to the following transactions:

Eastern Shore will issue and sell, from time to time, but not later than December 31, 1951, up to $3,000,000 principal amount of its 4% promissory notes due October 1, 1973, and 30,000 shares of its common stock of the par value of $100 per share. Delaware will purchase said securities at the principal amount or par value, respectively, and upon the purchase of any notes, Delaware will purchase common stock of an aggregate par value equal to the principal amount of such notes. The proceeds from the sale of said notes and common stock, which will not exceed $6,030,000 are to be used to finance Eastern Shore's construction program and to reimburse its treasury for money previously expended for such construction program. The notes and stock to be acquired by Delaware will be pledged by it with the Trustee under its mortgage dated October 1, 1943, in accordance with the provisions of the Indenture of Mortgage.

The proposed transactions have been approved by the Public Service Commission of Maryland.

Said application-declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application-declaration be and the same hereby is granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-5817; Filed, July 5, 1950; 8:47 a. m.]

[File No. 70-2392]

PHILADELPHIA CO.

SUPPLEMENTAL ORDER REGARDING SALE OF BONDS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of June 1950.

Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies, having filed with this Commission an application-declaration, and amendments thereto, pursuant to the provisions of sections 9 (a), 11 (b), 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules U-42, U-44 and U-50, promulgated thereunder, with respect to the sale by Philadelphia, pursuant to the competitive bidding requirements of Rule U-50, of $11,000,000 principal amount of Twenty-Year 3⅜ percent Sinking Fund Debentures due March 1, 1970, of Equitable Gas Company, a former subsidiary of Philadelphia, and the application of the proceeds therefrom, to the extent required, to the redemption and retirement of the outstanding 100,000 shares of Philadelphia's $6 Cumulative Preference Stock, at the redemption price of $110 per share plus an amount equal to all dividends accrued and unpaid thereon at the redemption date; and

The Commission, by order dated June 21, 1950, having granted and permitted to become effective the said application-declaration, as amended, subject, however, to the condition, among others, that the proposed sale of the aforesaid Debentures should not be consummated until the results of competitive bidding, pursuant to Rule U-50, should have been made a matter of record in these proceedings and a further order should have been entered by the Commission in the light of the record as so completed, jurisdiction being reserved, inter alia, to impose such further terms and conditions, if any, as might then be deemed appropriate; and

Philadelphia having filed, on June 28, 1950, a further amendment to said application-declaration, as amended, in which it is stated that Philadelphia has offered the said Debentures for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder or representative	Price to company [1] (percent of principal)
The First Boston Corp.	104.039
Halsey, Stuart & Co., Inc.	103.76
Kidder, Peabody & Co., Merrill Lynch, Pierce, Fenner & Beane, and White, Weld & Co.	103.591
Harriman Ripley & Co., Inc.	103.0253

[1] Plus accrued interest from March 1, 1950, to date of delivery of and payment for debentures.

Philadelphia having further stated in said amendment that it has accepted the bid of The First Boston Corporation for the said Debentures and that such securities will be offered for sale to the public at a price of 104.53% of the principal amount thereof, resulting in an underwriters' spread of 0.491%, aggregating $54,010; and

The Commission having examined said amendment and having considered the record as so completed and finding that the applicable standards of the act and the rules thereunder have been satisfied and finding no basis for imposing terms and conditions with respect to the price to be paid for said Debentures or the underwriters' spread and the allocation thereof, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration, as further amended, be granted and permitted to become effective forthwith:

It is ordered, That the application-declaration, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions of Rule U-24.

It is further ordered, That all other reservations, terms and conditions prescribed in the Commission's order herein, dated June 21, 1950, be, and the same hereby are, continued in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-5818; Filed, July 5, 1950; 8:47 a. m.]

[File No. 70-2409]

WEST PENN POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of June A. D. 1950.

Notice is hereby given that West Penn Power Company ("Power"), a registered holding company and a public utility subsidiary of a registered holding company ("The West Penn Electric Company"), has filed a declaration with this Commission pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and certain rules and regu-

lations promulgated thereunder with respect to the sale by Power to Pennsylvania Electric Company ("Penelec"), a non-affiliate of Power, of certain of Power's physical properties.

Notice is further given that any interested person may, not later than the 15th of July 1950, request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said declaration which he proposes to controvert, or may request that he be notified if the Commission should order a hearing thereon. Such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 15, 1950, said declaration as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Power proposes to sell to Penelec, approximately 17.33 miles of 132,000 volt transmission line lying within the territory of Power and known as the Ridgway-Warren transmission line for a cash consideration of $125,000.

The filing states that the sale by Power and the acquisition by Penelec are subject to the approval of the Pennsylvania Public Utility Commission and that an appropriate joint application has been filed with that Commission by the companies. It is further represented that the acquisition by Penelec is exempt from the requirements of sections 9 and 10 of the act by virtue of section 9 (b) (1). The filing at present contains no estimate of fees and expenses applicable to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5819; Filed, July 5, 1950; 8:48 a. m.]

[File No. 70-2425]

CONSOLIDATED NATURAL GAS CO. AND EAST OHIO GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of June 1950.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiary, The East Ohio Gas Company ("East Ohio"). Applicant-declarant has designated sections 6 (b), 9 (a), 10 and 12 (f) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than July 24, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said joint application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time after July 24, 1950, such application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said joint application-declaration which is on file in the office of this Commisson for a statement of the transaction therein proposed, which is summarized below:

East Ohio proposes to issue and sell to Consolidated and Consolidated proposes to acquire 25,000 additional shares of the common stock of East Ohio of a par value of $100 per share for a cash consideration of $2,500,000. Proceeds of the sale of common stock will be utilized by East Ohio to provide larger underground gas storage capacity, increase gas inventories and enlarge its pipeline system.

The proposed issuance and sale of common stock has been approved by the Public Service Commission of Ohio.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5820; Filed, July 5, 1950; 8:48 a. m.]

[File No. 70-2427]

NORTHERN STATES POWER CO. (MINN.) AND NORTHERN STATES POWER CO. (WIS.)

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of June A. D. 1950.

Notice is hereby given that a joint application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the Act") by Northern States Power Company ("Minnesota Company"), a Minnesota corporation and registered holding company, and its wholly owned public-utility subsidiary Northern States Power Company ("Wisconsin Company"), a Wisconsin corporation. Applicants designate sections 6 (b), 9 and 10 of the act and Rules U-23, U-24, and U-43 thereunder as applicable to the proposed transaction.

All interested parties are referred to said application on file in the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

The Wisconsin Company proposes to issue and sell and the Minnesota Company proposes to purchase from time to time during the balance of the year 1950, at $100 per share, an aggregate of not to exceed 30,000 additional shares of Common Stock of the par value of $100 per share (aggregate par value of $3,000,000) of the Wisconsin Company.

The Wisconsin Company will add the proceeds from the sale of said stock to its general funds. With the addition of such proceeds it is expected that its general funds available during the year 1950 will provide the cash required by it (a) for its expenditures under its construction budget during the balance of the year 1950, and (b) to repay its bank loan the principal amount of $500,000 which is due on December 2, 1950 and which was made in June 1950 to supply the then current needs of its construction program. The 1950 construction budget of the Wisconsin Company is estimated at $5,189,380.

It is stated that the Public Service Commission of Wisconsin has jurisdiction over the Wisconsin Company as to the proposed transaction, and that an application is now pending before the State Commission for the requisite authorization.

The expenses of the Wisconsin Company in connection with said transaction are estimated at $7,500, including $1,000 legal fees. It is stated that the expenses of the Minnesota Company, including legal fees, will not exceed $1,000.

It is requested that the order of the Commission herein be made effective upon issuance.

Notice is further given that any interested person may, not later than July 13, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5821; Filed, July 5, 1950; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25211]

PETROLEUM FROM WEST BAYTOWN, TEX., TO INTERSTATE POINTS

APPLICATION FOR RELIEF

JUNE 30, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariffs named below.

Commodities involved: Petroleum, its products and related articles, carloads.

From: West Baytown, Tex.

To: Points in Southwestern, Southern, Official, Illinois, and Western Trunk Line territories.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3585, 3802, 3825, 3651, 3724 and 3494, Supplements 414, 68, 66, 231, 117 and 195, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5835; Filed, July 5, 1950; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14786]

HANS E. WOISIN, SR.

In re: Bank account, securities and personal property owned by Hans E. Woisin, Sr. D-28-7326.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans E. Woisin, Sr., on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Seaman's Bank for Savings, 74 Wall Street, N. Y., N. Y., arising out of a Savings Account, No. 1031441, entitled "Karl H. Monnich in Trust for Hans E. Woisin, Jr.," excepting, however, the sum of $150.00, said account maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

b. Six (6) United States Savings Bonds, Series D, due November 1, 1949, bearing the numbers and in the amounts set forth below:

Bond Nos.:	Amounts
C1139560/3 (each)	$100.00
L763611	50.00
Q1100735	25.00

and presently held in a Safe Deposit Box No. 6503, leased from the Seaman's Bank for Savings, 74 Wall Street, New York 5, New York, and any and all rights thereunder and thereto,

c. Five (5) United States Savings Bonds, Series D, due December 1, 1949, bearing the numbers and in the amounts set forth below:

Bond Nos.:	Amounts
C1141490	$100.00
C1237963/5 (each)	100.00
Q1133394	25.00

and presently held in a Safe Deposit Box No. 6503, leased from the Seaman's Bank for Savings, 74 Wall Street, New York 5, New York, and any and all rights thereunder and thereto,

d. Four (4) United States Savings Bonds, due April 1, 1950, bearing the numbers and in the amounts set forth below:

Bond Nos.:	Amounts
D564226	$500.00
C1801415/6 (each)	100.00
L1166260	50.00

and presently held in a Safe Deposit Box No. 6503, leased from the Seaman's Bank for Savings, 74 Wall Street, New York 5, New York, and any and all rights thereunder and thereto,

e. Fifty (50) shares of stock of the United States Finishing Company, Norwich, Connecticut, a corporation organized under the laws of the State of Connecticut, evidenced by a certificate numbered C03749, registered in the name of Karl H. Monnich, and presently in a Safe Deposit Box No. 6503, leased from the Seaman's Bank for Savings, 74 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon,

f. Two hundred and fifty (250) shares of stock of the U. S. Rubber Reclaiming Company, 500 Fifth Avenue, New York City, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 11725, registered in the name of Karl H. Monnich and presently in a Safe Deposit Box No. 6503, leased from the Seaman's Bank for Savings, 74 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon, and any and all rights under a plan of reorganization, and

g. Those certain articles of household goods and personal property presently in the custody of the Richmond Storage Warehouse & Van Company, 947 Castleton Avenue, Stapleton, Staten Island, New York, stored in the name of Karl H. Monnich, identified as Lot No. 9072, subject, however, to any and all lawful liens of said Richmond Storage Warehouse & Van Company, against the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, Hans E. Woisin, Sr., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-5793; Filed, July 3, 1950; 8:52 a. m.]

[Vesting Order 13908, Amdt.]

ROBERT RELLING

In re: Safe deposit box lease and contents owned by Robert Relling. F 28-17647-F-1.

Vesting Order 13908 dated October 4, 1949, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Relling, whose last known address is Bad Oldesloe, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests created in Robert Relling under and by virtue of a safe deposit box lease agreement by and between Robert Relling and The Chase Safe Deposit Company, 18 Pine Street, New York, New York, relating to safe deposit box number G-186, located in the vaults of said safe deposit company including particularly but not limited to the right of access to such safe deposit box, and

b. All property of any nature whatsoever owned by Robert Relling, located in the safe deposit box referred to in subparagraph 2 (a) hereof and any and all

rights and interest of said person evidenced or represented thereby, which includes particularly but is not limited to the following:

(1) Ten (10) shares of no par value common stock of the Public Service Corporation of New Jersey (in dissolution), Newark, New Jersey, evidenced by certificate numbered YO 306167, registered in the name of Robert Relling, together with all declared and unpaid dividends thereon and any and all rights of exchange with respect to the aforesaid shares of stock under a plan of dissolution of the Public Service Corporation of New Jersey, and

(2) Ten (10) of $10.00 par value capital stock of the F. W. Woolworth Company, Woolworth Building, New York 7, New York, a corporation organized under the laws of the State of New York, evidenced by certificate numbered WT/F 465883, registered in the name of Robert Relling, together with all declared and unpaid dividends thereon,

subject, however, to any liens of the aforesaid Chase Safe Deposit Company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5794; Filed, July 3, 1950; 8:52 a. m.]

[Vesting Order 14763]

CLARA MATTHIES

In re: Rights of Clara Matthies, also known as Clara E. Matties, also known as Klara Christiane Matthies under insurance contract. File No. F-28-26286-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Matthies, also known as Clara E. Matties, also known as Klara Christiane Matthies, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1244617 M, issued by the Metropolitan Life Insurance Company, New York, New York, to Clara Matthies, also known as Clara E. Matties, also known as Klara Christiane Matthies, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Clara Matthies, also known as Clara E. Matties, also known as Klara Christiane Matthies be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5789; Filed, July 3, 1950; 8:51 a. m.]

[Vesting Order 14760]

CLEMENS KLUES

In re: Estate of Clemens Klues, deceased. File No. D-28-12798.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Klemens Klues, also known as Clements Klus, and August Klues (Klus), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof and each of them, in and to the Estate of Clemens Klues, deceased, is property payable or deliverable to, or claimed by the aforesaid, nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk of the Superior Court of Pierce County, Washington, acting under the judicial supervision of the Superior Court of Pierce County, State of Washington;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5843; Filed, July 5, 1950; 8:54 a. m.]

[Vesting Order 14767]

MARIA SCHULMEYER ET AL.

In re: Rights of Maria Schulmeyer et al. under Insurance Contract. File No. F-28-843-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Schulmeyer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hugo Cornelius, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. A1646, issued by The Prudential Insurance Company of America, Newark 1, New Jersey,

to Hugo Cornelius, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hugo Cornelius, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5849; Filed, July 5, 1950; 8:54 a. m.]

[Vesting Order 14769]

ANNA W. STEINBRONN

In re: Rights of Anna W. Steinbronn, also known as Anna Catherine Weiszer Steinbronn under Insurance Contracts. Files No. D-28-10968-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna W. Steinbronn, also known as Anna Catherine Weiszer Steinbronn, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the total proceeds due or to become due to Anna W. Steinbronn, also known as Anna Catherine Weiszer Steinbronn, under contracts of insurance evidenced by policies No. 1,012,773 and 847,623, issued by the Massachusetts Mutual Life Insurance Company, Springfield, Massachusetts, to William P. Weiszer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Anna W. Steinbronn, also known as Anna Catherine Weiszer Steinbronn be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5850; Filed, July 5, 1950; 8:54 a. m.]

[Vesting Order 14771]

TOZI UYEHARA

In re: Rights of Tozi Uyehara, also known as Toji Uychara under Insurance Contract. File No. F-39-114-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tozi Uyehara, also known as Toji Uychara, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 9 369 483, issued by the New York Life Insurance Company, New York, New York, to Tozi Uyehara, also known as Toji Uychara, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5851; Filed, July 5, 1950; 8:54 a. m.]

[Vesting Order 14780]

RYOICHI NAGAI

In re: Bank account and cash owned by Ryoichi Nagai also known as Ryoicho Nagai. F-39-1311-E-1, E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ryoichi Nagai also known as Ryoicho Nagai, whose last known address is No. 1, 907 Simonumabe, Kawasaki City, Kanagawa Prefecture, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ryoichi Nagai also known as Ryoicho Nagai, by the United States National Bank of San Diego, San Diego 12, California, arising out of a Savings Account, numbered 13687 and entitled Ryoichi Nagai, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. Cash in the sum of $3.25 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War", in the name of Ryoichi Nagai, and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States re-

quires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5852; Filed, July 5, 1950; 8:54 a. m.]

[Vesting Order 14782]

MARGARETE SCHEEL

In re: Debts owing to Margarete Scheel, also known as Margarete Ray-Scheel and as Margarete Scheel Ray. F-28-544-E-1; H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Scheel, also known as Margarete Ray-Scheel, and as Margarete Scheel Ray, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Margarete Scheel, also known as Margarete Ray-Scheel, and as Margarete Scheel Ray, by The Pennsylvania Company for Banking and Trusts, 15th and Chestnut Streets, Philadelphia 1, Pennsylvania, arising out of a cash principal account entitled, "Margarete Scheel Agency Account", maintained with the aforesaid Company, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Margarete Scheel, also known as Margarete Ray-Scheel, and as Margarete Scheel Ray, by The Pennsylvania Company for Banking and Trusts, 15th and Chestnut Streets, Philadelphia 1, Pennsylvania, arising out of a cash income account entitled "Margarete Scheel Agency Account", maintained with the aforesaid Company, and any and all rights to demand, enforce and collect the same, and

c. Those debts or other obligations due or to become due under an Annuity Contract evidenced by policy No. 1736638, issued by The Penn Mutual Life Insurance Company, Philadelphia 5, Pennsylvania, to Margarete Scheel, also known as Margarete Ray-Scheel, and as Margarete Scheel Ray, together with all rights to demand, enforce and collect said debts or other obligations, including particularly, the right to receive the annual payment due January 11, 1951, and each annual payment thereafter under the aforesaid Annuity Contract,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5853; Filed, July 5, 1950; 8:54 a. m.]

[Vesting Order 14785]

KENNOSUKE TSUSHIMA

In re: Cash owned by Kennosuke Tsushima. D-39-14599-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kennosuke Tsushima, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $243.00, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the name of Kennosuke Tsushima, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kennosuke Tsushima, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5854; Filed, July 5, 1950; 8:54 a. m.]

[Vesting Order 14788]

FUJIYO YAMADA

In re: Securities owned by Fujiyo Yamada. D-39-14294-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fujiyo Yamada, whose last known address is 509 5-Chome Kabe-Machi, Asa-Gun, Hiroshima-Ken, Honshu, Japan, is a resident of Japan and a national of a designated enemy country (Japan).

2. That the property described as follows:

a. Three 6% Oriental Development Company, Ltd., Gold Bonds, with an aggregate face value of $3,000, bearing the numbers 524, 13950 and 9721, presently in a safe deposit box, number 1786, located in the vaults of the City Market Branch of the California Bank, 863 S. San Pedro Street, Los Angeles 14, California, and any and all rights thereunder and thereto,

b. Two 6% Oriental Development Company, Ltd., Gold Bonds, each of $1,000 face value, bearing the numbers 6696 and 6883 presently in a safe deposit box, number 1786, located in the vaults of the City Market Branch of the California Bank, 863 S. San Pedro Street, Los Angeles 14, California, and any and all rights thereunder and thereto.

c. One 6½% Nippon Denryoku Kabushiki Kaisha Gold Bond, of $1,000 face value, bearing the number 749, presently in a safe deposit box, number 1786, located in the vaults of the City Market Branch of the California Bank, 863 S. San Pedro Street, Los Angeles 14, California, and any and all rights thereunder and thereto,

d. Three 5½% Taiwan Electric Power Company, Ltd., Gold Bonds, with an aggregate face value of $3,000, bearing the numbers 172, 177 and 1398, presently in a safe deposit box, number 1786, located in the vaults of the City Market Branch of the California Bank, 863 S. San Pedro Street, Los Angeles 14, California, and any and all rights thereunder and thereto,

e. One 6% First Mortgage Tokyo Dento Kabushiki Kaisha Gold Bond, of $1,000 face value, bearing the number 62792, presently in a safe deposit box, number 1786, located in the vaults of the City Market Branch of the California Bank, 863 S. San Pedro Street, Los Angeles 14, California, and any and all rights thereunder and thereto,

f. Two 5½% City of Tokio Gold Bonds, with an aggregate face value of $2,000.00, bearing the numbers 10063 and 19983, presently in a safe deposit box, number 1786, located in the vaults of the City Market Branch of the California Bank, 863 S. San Pedro Street, Los Angeles 14, California, and any and all rights thereunder and thereto, and

g. Two Series E United States Defense Savings Bonds, each of $50.00 maturity value, bearing the numbers L5556142E and L1397727E, registered in the name of Mr. Mitsuzo Yamada, presently in a safe deposit box, number 1786, located in the vaults of the City Market Branch of the California Bank, 863 S. San Pedro Street, Los Angeles 14, California, and any and rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fujiyo Yamada, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5855; Filed, July 5, 1950; 8:55 a. m.]

[Vesting Order 14790]

HAZEL ANN TIMMONS

In re: Rights of Hazel Ann Timmons under insurance contract. File No. D-39-19266-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hazel Ann Timmons, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 512632, issued by The State Life Insurance Company, Indianapolis, Indiana, to Frank Lee Timmons, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5856; Filed, July 5, 1950; 8:55 a. m.]

PASQUALE I. SIMONELLI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Pasquale I. Simonelli, Naples, Italy; Claim No. 36172; all right, title and interest of Pasquale I. Simonelli in and to the following life insurance policies on the life of Pasquale I. Simonelli: Travelers Insurance Co., Certificate No. 1627262; New York Life Insurance Co., Certificate No. 4586630; Metropolitan Life Insurance Co., Certificate No. 1641477A; Equitable Life Assurance Society of United States, Certificates Nos. 1714690, 2713870, 2899280 and 2901183; said policies in custody Real Estate Section, Office of Alien Property, Washington, D. C.

All right, title and interest of Pasquale I. Simonelli in and to any and all obligations owing to Pasquale I. Simonelli by East River Savings Bank, 60 Spring Street, New York, N. Y., and represented on the books of said Bank as "Expenses Payable".

Ten shares of New York Title & Mortgage Co., $10 P. V. Capital Stock, Certificate No. X-5178, presently with the Deposit and Clearance Section, New York, N. Y.

Real property described as follows: That certain lot or parcel of land in the Borough of Manhattan, City, County and State of New York, being known as and by the number 326 West 89th Street, New York, N. Y.

Executed at Washington, D. C., on June 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5800; Filed, July 3, 1950; 8:53 a. m.]

COMPAGNIES REUNIES DES GLACES ET VERRES SPECIAUX DU NORD DE LA FRANCE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Compagnies Reunies des Glaces et Verres Speciaux du Nord de la France, Paris, France; Claim Nos. 26169 and 40452; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 1,739,294; 1,856,278; 1,933,167; 1,994,387; 2,010,916; and 2,267,554. Property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No.

365,862 (now United States Letters Patent No. 2,571,880). All interests and rights (including all accrued royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreements hereinafter described, together with the right to sue therefor) created in Compagnies Reunies des Glaces et Verres Speciaux du Nord de la France, by virtue of (1) an agreement as to patent rights and (2) an agreement as to importation, both dated June 1, 1933 (including all modifications thereof and supplements thereto, if any) by and between the said Compagnies Reunies (Reunis) des Glaces et Verres Speciaux du Nord de la France and The American Securit Company, a corporation organized under the laws of the State of Delaware, including but not by way of limitation, any and all understandings between the parties, whether written or oral, with respect to the subject matter thereof, to the extent owned by Compagnies Reunies des Glaces et Verres Speciaux du Nord de la France, immediately prior to the vesting thereof by Vesting Order No. 1511 (8 F. R. 10526, July 28, 1943), including cash in the Treasury of the United States in the amount of $105,681.28.

Executed at Washington, D. C., on June 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5857; Filed, July 5, 1950; 8:55 a. m.]

SOCIETE ANONYME DES MANUFACTURES DES GLACES ET PRODUITS CHIMIQUES DE SAINT-GOBAIN, CHAUNY & CIREY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Anonyme des Manufactures des Glaces et Produits Chimiques de Saint-Gobain, Chauny & Cirey, Paris, France; Claim Nos. 26758-26765 incl., 40458-40464, incl., property described in the following Vesting Orders: No. 666 (8 F. R. 8047, January 18, 1943); No. 201 (8 F. R. 625, January 16, 1943); No. 1511 (8 F. R. 10526, July 28, 1943); No. 1986 (8 F. R. 12362, September 7, 1943); No. 293 (7 F. R. 9636, November 26, 1942); No. 721 (8 F. R. 2164, February 18, 1943); No. 1028 (8 F. R. 4205, April 2, 1943); No. 1553 (8 F. R. 10562, July 29, 1943); No. 1825 (8 F. R. 10911, August 5, 1943); No. 68 (7 F. R. 6181, August 11, 1942); relating to United States Letters Patent, United States Patent Applications and patent contract interests identified in Schedule A attached hereto and made a part hereof, including cash in the Treasury of the United States in the amount of $84,812.57.

Executed at Washington, D. C., on June 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

SCHEDULE A

Vested by Vesting Order No. 666: Patent Nos.—1,813,142, 1,824,347, 1,843,198, 1,859,862, 1,867,940, 1,892,458, 1,895,547, 1,923,196, 1,934,-682, 1,941,924, 1,951,753, 1,955,952, 1,960,136, 1,992,994, 2,000,240, 2,018,056, 2,019,046, 2,023,-275, 2,024,854, 2,037,228, 2,052,212, 2,069,261, 2,076,080, 2,085,575, 2,089,022, 2,097,073, 2,104,-555, 2,104,557, 2,116,633, 2,119,680, 2,120,435, 2,122,083, 2,125,912, 2,136,877, 2,143,951, 2,164,-418, 2,167,290, 2,167,318, 2,184,908, 2,214,123, 2,214,874, 2,225,616, 2,225,617, 2,236,231, 2,236,-911, 2,250,628, 2,253,981, 2,262,545, 2,263,493, 2,263,569, 2,267,537, 2,277,678, 2,277,679, 2,278,-722, 2,281,468, 2,293,948.

Vested by Vesting Order No. 201: Patent No. 2,062,228.

Vested by Vesting Order No. 1511: Patent No. 2,250,628.

Vested by Vesting Order No. 1986: Patent Nos. 1,833,297, 1,916,035.

Vested by Vesting Order No. 293: Patent Application Serial Nos.: 187,733; 265,866 (now patent No. 2,301,062); 266,832 (now patent No. 2,304,016); 275,989 (now patent No. 2,343,-823); 295,028; 295,029 (now patent No. 2,293,-948); 306,501 (now patent No. 2,337,672); 333,410 (now patent No. 2,382,379); 368,537 (now patent No. 2,314,936); 409,751 (now patent No. 2,342,733); 414,866 (now patent No. 2,396,585); 414,756.

Vested by Vesting Order No. 721: Patent No. 401,909.

Vested by Vesting Order No. 1028: Patent No. 336,547 (now patent No. 2,313,217).

Vested by Vesting Order No. 1553: Patent No. 306,415.

Vested by Vesting Order No. 1825: Patent No. 306,416.

Vested by Vesting Order No. 68: Patent No. 363,202 (now patent No. 2,323,051).

All interests and rights (including all accrued royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreements hereinafter described, together with the right to sue therefor) created in Societe Anonyme des Manufactures de Glaces et Produits Chimiques de St. Gobain, Chauny & Cirey, Lyon, France, by virtue of (1) an agreement as to patent rights and (2) an agreement as to importation, both dated June 1, 1933 (including all modifications thereof and supplements thereto, if any), by and between the said Societe Anonyme des Manufactures de Glaces et Produits Chimiques de St. Gobain, Chauny & Cirey and The American Securit Company, a corporation organized under the laws of the State of Delaware, including but not by way of limitation, any and all understandings between the parties, whether written or oral, with respect to the subject matter thereof, to the extent owned by Societe Anonyme des Manufactures de Glaces et Produits Chimiques de St. Gobain, Chauny & Cirey, immediately prior to the vesting thereof by Vesting Order No. 1511.

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